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Commonwealth of Pennsylvania

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VETOES BY THE GOVERNOR

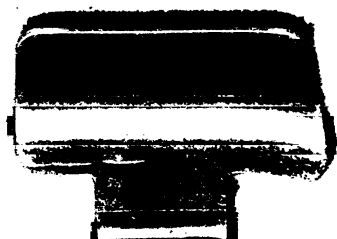
OF BILLS AND RESOLUTIONS PASSED
BY THE LEGISLATURE,

SESSION OF 1917.

Exchange Duplicate, L. G.

HARRISBURG, PENNA.:
J. T. L. KUHN, PRINTER TO THE COMMONWEALTH
1917.

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L. G.*



Commonwealth of Pennsylvania

VETOES BY THE GOVERNOR

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VETOES.

BILLS RETURNED TO THE LEGISLATURE BY THE GOVERNOR, WITH HIS OBJECTIONS THERETO, DURING ITS REGULAR SESSION ENDING JUNE 28, 1917.

No. 1.

A JOINT RESOLUTION

Providing for the appointment of a committee to investigate alleged maladministration in public office, and making an appropriation therefor.

Whereas, Statements have been made by reputable citizens and the responsible press of this Commonwealth alleging maladministration on the part of public officers by their gross extravagance, by their misuse of public funds, by their continued absence from their respective offices, by their failure to properly discharge duties imposed upon them by statute, by their wilful, malicious, and unnecessary delay in the transaction of public business, by their intimidation and coercion of employes and business interests, by their misuse of appointive, administrative, and regulative authority, by their alleged bribery in bargaining and selling, as rewards for votes of Members of the General Assembly, offices and positions created by the public and supported by the public for the transaction of public business, by perjury on the part of certain officials in accepting public offices from which they have knowingly disqualified themselves, by violating the corrupt practices act of this Commonwealth, by repugnant and flagrant political activity on the part of semi-judicial officers, by the encroachment of the Executive upon the Legislative Branch of the Government; and

Whereas, Such officers debauch, defame, and disgrace the fair name of this Commonwealth, demoralize the public service by their malfeasance, and hold up to ridicule its citizenship; and

Whereas, The above-named charges and allegations concerning the conduct of public business by its recognized officials and subordinates have so aroused public sentiment concerning the administration of the affairs of this Commonwealth as to demand a full, free, unobstructed, comprehensive, and impartial investigation of the public business; now therefore,

Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, That a joint committee consisting of three (3) members of the Senate, one of whom shall be of a minority political party, to be appointed by the President Pro Tempore of the Senate, and four (4) members of the House, one of whom shall be a minority political party, to be appointed by the Speaker of the House, be created for the purpose of making a full, free, unobstructed, comprehensive, and impartial investigation of all and singular the aforesaid matters and charges; and

Be it further resolved, That said joint committee is hereby directed to organize forthwith, after the approval of this joint resolution by the Governor, to hold such and as many hearings as it may deem necessary, to summon witnesses to further the purposes of this investigation, to issue subpoenas, administer oaths, and compel the attendance of such witnesses and the production of all such books, bills, checks, check books, papers, minutes, records, vouchers, agreements, and all, each and every other form of written or documentary evidence as may be pertinent or germane to the inquiry, and

Be it further resolved, That the said joint committee shall be vested with the fullest and most complete powers which the General Assembly, by virtue of the Constitution and all acts of Assembly, can confer upon such committee for the accomplishment of its purposes; and

Be it further resolved, That the said joint committee shall be authorized to employ auditors, accountants, counsel learned in the law, stenographers, clerks, messengers, investigators, and all such other clerical or skilled assistance as may be necessary for the proper discharge of the duties hereby imposed upon said committee and to further the inquiry by them to be made. The Sergeant-at-Arms of the Senate is hereby directed to attend said joint committee, to serve all subpoenas issued by it, and generally to enforce all the orders which said joint committee is hereby authorized to make; and

Be it further resolved, That said joint committee shall, from time to time, report its findings to the General Assembly, with such recommendations as the members deem expedient, to the end that proper legislation may be enacted to remedy and prevent such abuse as may be found to exist; and that said joint committee shall also be empowered to certify to the prosecuting officer or officers of the proper jurisdiction the proceedings of the committee, setting forth any violation or violations of law committed within their respective jurisdiction, for such action as the law provides; and that the said investigating committee shall make its final report to the General Assembly not later than June first, one thousand nine hundred and seventeen; and

Be it further resolved, That it is the sense of the General Assembly that it is contrary to public policy and to the interests of good order that any person giving evidence before said joint committee tending to show that he or she has been in any manner implicated in the corrupt practices above-mentioned should be indicted and prosecuted for the offense disclosed by such evidence or admission, so given or made by him or her; and

Be it further resolved, That the sum of twenty-five thousand (\$25,000.00) dollars, or so much thereof as may be necessary, is hereby specifically appropriated to defray the expenses necessarily incurred by said joint committee in the discharge of the duties imposed upon it, and that payment shall be made on order of the chairman of said joint committee and on warrant of the Auditor General, in the manner now prescribed by law.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, February 26, 1917.

To the Honorable, the Senate of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, joint resolution No. 1, entitled "A joint resolution providing for the appointment of a committee to investigate alleged maladministration in public office, and making an appropriation therefor."

This resolution has been freely discussed in the public press and by the members of your Honorable Body. The people are fairly conversant with its contents, its purpose and its origin. It has not been held to be in any important sense a measure in the interests of the people of Pennsylvania. It has no constructive purpose or aim. It is solely a partisan, factional measure to give to an interested faction a powerful political club to compel its opponents, and indeed all independent citizens, to bow a subservient knee or suffer the consequences.

The committee it creates would have full power to investigate all State, city, county, borough, and township officials. It can even investigate individuals, and could protect its political friends and menace its innocent political opponents. Such power should never be given any one. It was never intended to be and cannot lawfully be exercised by any legislative committee in a constitutional government. No essential good can flow from such a commission to the people of Pennsylvania.

There is no recognition of the rights under law of the parties it may select for investigation. They have no specification of charges. They are not advised of the source of the charges, nor the persons responsible for the same. They have no appeal from the rules of procedure that the committee may formulate. They are, in fact, denied the fundamental rights which throughout the civilized world, in all courts of justice, are guaranteed to any and all persons.

The resolution would condone perjury; would invite irresponsible men to swear falsely against their fellows; would give opportunity for false statements, with no opportunity to disprove the same; would at great cost to the citizens of this State, who are the least interested and most injured, conduct an investigation with public funds that are needed in many vastly more important services to our citizens. Moreover, the entire field of fact and the entire truth relative to the administration of the State's business can be known at any time by anybody without any expense whatever.

When this joint resolution was before your honorable body on January 29, 1917, I addressed a communication to you in which I specifically stated that "I court and invite the widest and fullest investigation of my official acts and of those of all associated with me in public service. I wish only that the investigation be so free, so fair, so impartial and so thorough as to establish definitely the truth or untruth of any charge that may be made." I submit that this joint resolution does not assure any such result.

This administration is confident that its acts, when published, will meet the hearty approval of all free, unbiased, fair citizens, and we shall at any time furnish to you any and all information you may desire that will in any way make known to you and to the whole people the things we have done and shall continue to do, to give to the people all facts relating to our public service. We are ready any moment, in any fair way, to cooperate to the full in the attainment of this end.

Factional strife works only harm. It can accomplish no essential good. Let the truth be known. Let the motives as well as the acts of men be truly revealed. Let the sense of justice, fair play, and honor have full expression and the people will decide. That the outcome will develop the fact that this administration is giving itself steadily, honestly and earnestly to a clean and unselfish service to the whole people is my assurance and my conviction.

For these reasons this joint resolution is not approved.

MARTIN G. BRUMBAUGH.

No. 2.

AN ACT

Requiring counties having a population of over one million and less than one million five hundred thousand to establish a pension fund for the employes of such counties, and providing for the administration of such fund and payments therefrom.

Section 1. Be it enacted, &c., That a county employe, for the purposes of this act, is any person employed by the county at a wage or salary payable at stated intervals; that is to say, semimonthly, monthly, quarterly, or annually. The term does not include any person elected by the vote of the people.

Section 2 Each county having a population exceeding one million inhabitants, but not exceeding one million five hundred thousand inhabitants, shall provide a pension system for such county, and shall establish and regulate a pension fund in connection therewith.

Section 3. The pension system shall be under the sole direction of a Pension Board, hereinafter designated the board, which shall consist of the county commissioners, the treasurer, and the controller of the county.

Section 4. The county treasurer shall be the treasurer of the board, and shall give such bond for the proper performance of his duties as is required by the board. The premium on said bond shall be paid from the pension fund, on warrants of the board. The treasurer shall receive for his services the sum of one hundred dollars (\$100.00) per annum from the pension fund, payable on warrants of the board.

Section 5. The board shall keep a register of employes containing the names, ages, residence, nature of employment, time of entering the employ of the county, and such other information as the board deems necessary in the performance of its duties. The board may adopt, amend, revise, and abolish, in its discretion, such regulations, not inconsistent with law, as it deems necessary in carrying out the intent of this act.

Section 6. The head of each department or office of the county shall, as soon as practicable after the passage of this act, file with the board a list of all employes of such department or office, with the amount of the salary or wage received by each, the age of the employe, time of entering the county employ, and such other information relative to such employes as is required by the board. From time to time, and whenever requested by the board, all dismissals, appointments, resignations, transfers, changes in salaries or in employment, and other information relative to employes, shall be furnished to the board by the head of each such department or office.

Section 7. The county commissioners shall annually, in January, appropriate and pay into the pension fund not less than one-half of one per centum, and not more than two per centum, of all moneys received by the county as taxes from all sources during the preceding calendar year. All moneys in any pension fund heretofore established shall be transferred to the pension fund created under this act.

Section 8. Each county employe shall each month pay into the pension fund one per centum of the amount received by him as salary or wages from the county during the preceding calendar month. Such amounts shall be collected by the county treasurer, and by him paid into the pension fund. Such monthly payments by an employe shall cease when such employe is entitled to receive a pension under this act. No employe shall be entitled to a pension who does not make the monthly payments herein required.

Section 9. The board may, in its discretion, invest the moneys of the pension fund, or any part thereof, in obligations of the United States or of this State, or of any political division of this State; or it may deposit such moneys, or any part thereof, in one or more banks or trust companies of the county, selected by the board. The banks or trust companies offering to pay the highest rate of interest, and that have a paid-in capital and surplus of not less than three hundred thousand dollars, shall be selected. A contract with a depository shall be for a period covering the term of the county treasurer. No moneys shall be paid to a depository until it shall have executed to the board a bond for the proper safeguarding of the funds so deposited. The bond shall have such surety as is approved by the court of common pleas. No moneys exceeding in the aggregate the amount of the bond shall be paid to any depository.

Section 10. Every person, now or hereafter in the employ of the county, who has reached the age of fifty years or upwards, and who shall have been in the employ of the county during a period of not less than twenty years, shall, upon application to the board, be retired from service, and shall thereafter receive during life a pension under the provisions of this act. The time spent in the employ of the county need not necessarily have been continuous.

Section 11. Any employe who has been in the county employ for a period of not less than ten years shall be entitled to a pension, if he or she becomes totally and permanently disabled, even though such employe has not reached the age of fifty years. Proof of total and permanent disability shall be by the sworn statement of three practicing physicians of the county, designated by the board, to the effect that such employe is totally and permanently disabled from performing the duties of his or her position or office.

Section 12. The pension paid under the provisions of this act shall equal, annually, fifty per centum of the average annual amount received by the employe as salary or wages during the two years immediately preceding the date of retirement of the employe receiving the pension. No pension shall exceed the sum of one hundred dollars per month. Pensions shall be paid in monthly instalments, on warrants on the board.

Section 13. If any employe after twenty years in the county employ is dismissed or retire volutarily, or is in any other manner deprived of his or her employment, before attaining the age of fifty years, such employe, if he continues to contribute to the pension fund monthly a sum equal to the last monthly contribution paid while in the county employ, shall, when he or she reaches the age of fifty years, be entitled to a pension under this act.

Section 14. If any county employe contributing monthly to the pension fund shall, for any cause, cease to be an employe of the county before the expiration of the twenty year period, the total amount of the contributions paid into the pension fund by such employe shall, upon demand in writing, be repaid to him or to her, or to his or her personal representative, out of the fund.

Section 15. Should any county employe, who has withdrawn his contributions paid into the pension fund, desire to be reinstated and again become a beneficiary, he or she may do so by the payment in full of the amount withdrawn, and by paying the assessments provided for in section eight of this act.

Section 16. Any pension herein provided for shall not be subject to execution or to attachment, shall be payable only to the beneficiary provided by this act, and shall not be subject to assignment or transfer.

Section 17. The act approved the eleventh day of May, one thousand nine hundred and fifteen (Pamphlet Laws, two hundred and eighty-five), entitled "An act requiring each county having a population of less than one million five hundred thousand and over one million to establish a pension fund for employes of said county, and regulating the payment of such pensions," is hereby repealed. All other acts and parts of acts inconsistent herewith are hereby repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, March 23, 1917.

To the Honorable, the Senate of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, Senate bill No. 5, entitled "An act requiring counties having a population of over one million and less than one million five hundred thousand to establish a pension fund for the employes of such counties, and providing for the administration of such fund and payments therefrom.

This bill is to replace an act approved May 11, 1915, which act was represented to the Executive as meeting fully the requirements of the case in the county concerned. Until now the act seems to be doing well. This bill is so wide in its scope, and opens the way for such accidental admission and withdrawal of beneficiaries as to make it inevitable that its provisions will in the near future impair the fund and defeat the essential good it seeks to accomplish.

The bill does not evidence any expert actuarial study of its fiscal plans and will not in my judgment give the nearly worthy beneficiaries the relief they should have. No pension system should hold any promise it cannot assuredly keep. Were the provisions so modified as to make it a practical and dependable service it would be approved.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 3.

AN ACT

To amend section five of an act, approved the twenty-fourth day of July, Anno Domini one thousand nine hundred and thirteen (Pamphlet Laws, ten hundred eighteen), entitled "An act making it unlawful for the commissioners of any county in this Commonwealth to contract to repair, build, or rebuild any county bridges without due advertisement for sealed proposals, excepting contracts not amounting to two hundred and fifty dollars," by excepting contracts for the repair, building, or rebuilding of any bridge or bridges that will cost less than five hundred dollars.

Section 1. Be it enacted, &c., That section five of an act, entitled "An act making it unlawful for the commissioners of any county in this Commonwealth to contract to repair, build, or rebuild any county bridges without due advertisement for sealed proposals, excepting contracts not amounting to two hundred and fifty dollars," approved the twenty-fourth day of July, Anno Domini one thousand nine hundred and thirteen, which reads as follows:

"Section 5. This act shall not apply to any contract for the repair, building, or rebuilding of any bridge or bridges that will cost less than two hundred and fifty dollars," be and the same is hereby amended so as to read as follows:—

Section 5. This act shall not apply to any contract for the repair, building, or rebuilding of any bridge or bridges that will cost less than five hundred dollars.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, March 23, 1917.

To the Honorable, the Senate of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, Senate bill No. 57, entitled "An act to amend section five of an act approved the twenty-fourth day of July, Anno Domini one thousand nine hundred and thirteen (Pamphlet Laws, ten hundred eighteen), entitled 'An act making it unlawful for the commissioners of any county in this Commonwealth to contract to repair, build, or rebuild any county bridges without due advertisement for sealed proposals, excepting contracts not amounting to two hundred and fifty dollars,' by excepting contracts for the repair, building, or rebuilding of any bridge or bridges that will not cost less than five hundred dollars."

This bill makes it lawful for county commissioners to enter into contracts for repairing, building, or rebuilding bridges without due advertisement when such work costs less than five hundred (\$500) dollars. The act of July 24, 1913, gives this power to county commissioners only when the cost is less than two hundred and fifty (\$250) dollars.

The trend of all modern accounting of public moneys and the expenditure of the same is unmistakably to a more detailed and more open treatment of public expenditures. The consensus of opinion is to let the people know. When over two hundred and fifty (\$250) dollars of county funds is to be expended it is well that competitive bids be received and the people given full knowledge of the transaction. This can work no injustice, and can do no harm. The absence of such public treatment of the transaction might work harm. It is well to be on the safe side of the proposition. The law now works no hardship known to the Executive. It is in harmony with the best principles of popular government.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 4.

AN ACT

Making an appropriation to the State Highway Department, and providing for the construction and improvement of part of a certain State highway located in the county of Armstrong.

Whereas, The State Highway Department, by an agreement with the county commissioners of Armstrong County and the supervisors of certain of the townships in such county, agreed to build a part of the State highway, route numbered two hundred and three, located as hereinafter described, which State highway was to be constructed and improved in the method provided by existing law for the construction and improvement of State highways in the same manner as State-aid highways; and

Whereas, Subsequent to such agreement, it was held in an opinion of the Attorney General that the construction and improvement of all State highways, constructed and improved in the same manner as State-aid highways, must be paid for from funds appropriated for the construction and improvement of State highways; and

Whereas, Under the above-mentioned agreement it was the intention of the State Highway Department to construct and improve said road from funds appropriated for State-aid highway purposes, and at that time available for State-aid highway purposes in the county of Armstrong; and

Whereas, Owing to the defect in the law and the inability of the State Highway Department to use said funds, then available for Armstrong County, for the construction and improvement of said particular State highway, said agreement between the county of Armstrong and the township authorities and the State of Pennsylvania has never been consummated; therefore,—

Section 1. Be it enacted, &c., That the sum of forty-five thousand nine hundred ninety-two dollars and ninety-one cents (\$45,992.91), or so much thereof as may be necessary, is hereby specifically appropriated to the State Highway Department, for the purpose of constructing and improving that part of the State highway, route numbered two hundred and three, located and running between the southern boundary of the borough of Kittanning and the northern boundary of Ford City, in the county of Armstrong. The amount hereinabove mentioned is appropriated from funds heretofore appropriated for State-aid highway purposes, and now available for the purpose of constructing and improving State-aid highways in the county of Armstrong.

Section 2. The State highway between the points designated in section one of this act shall be constructed and improved under existing laws in the same manner as a State-aid highway; that is to say, by an agreement between the State Highway Department and the county of Armstrong and the township or townships in which such road is located, or by an agreement between the State Highway Department and the county of Armstrong, as the case may be.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, March 23, 1917.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, House bill No. 1, entitled "An act making an appropriation to the State Highway Department and providing for the construction and improvement of part of a certain State highway located in the county of Armstrong."

This bill is wholly unnecessary and against public policy. The construction of this road under like conditions as prevail under the so called "State-aid Act" has already been made possible by the approval of Senate bill No. 23, of this session. Public policy demands that the funds of the Commonwealth for highway construction and improvement shall be expended impartially and equitably. This

can only be accomplished in the interest of the whole people by granting funds to the department concerned and giving such department, as the law now does, the right to place public funds where they will do the largest good.

This bill, moreover, is so manifestly unconstitutional that its approval would only lead to the defeat of the purpose it seeks to attain. For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 5.

AN ACT

Making an appropriation for the purpose of maintaining and preserving the public roads through the Cornplanter Indian Reservation in Elk Township, Warren County, Pennsylvania.

Section 1. Be it enacted, &c., That the sum of four hundred (\$400.00) dollars is hereby specifically appropriated, for the two fiscal years beginning June first, one thousand nine hundred and seventeen, to be paid to the treasurer of Elk Township, Warren County, Pennsylvania, for the purpose of maintaining in good repair the public roads and highways passing through the Cornplanter Indian Reservation in said township. Said money shall be paid on warrant drawn on the State Treasurer by the Auditor General, and shall be disbursed under the direction of the supervisors of Elk Township.

Section 2. The sum of five hundred (\$500.00) dollars, or so much thereof as may be necessary, is hereby specifically appropriated to the treasurer of Elk Township, Warren County, Pennsylvania, for the purpose of building retaining walls to protect the public roads and highways in the Cornplanter Indian Reservation, in said township, from damage and destruction by floods caused by the overflowing of Cornplanter Run. Said amount herein appropriated shall be paid on warrant of the Auditor General drawn on the State Treasurer, and shall be disbursed under the directions of the supervisors of Elk Township.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, March 29, 1917.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, House bill No. 162, entitled "An act making an appropriation for the purpose of maintaining and preserving the public roads through the Cornplanter Indian Reservation, in Elk Township, Warren County, Pennsylvania."

This bill specifically appropriates two certain sums of money from the State Treasury to maintain and to preserve public roads and highways passing the Cornplanter Indian Reservation in Elk Township, Warren County, Pennsylvania.

Article III, Section 7 of the Constitution, expressly provides that the General Assembly "Shall not pass any local or special law: Authorizing the laying out, opening, altering or maintaining roads, highways, streets or alleys." Manifestly this bill is in direct opposition to the Constitution. Moreover, if the roads are part of the State highway system they will be cared for by the department in charge. If they are not State highways, their upkeep is properly a charge upon the local authorities, in precisely the same way as are almost eighty thousand miles of roads of like character in the Commonwealth. The bill is both unconstitutional and contrary to sound public policy.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 6.

AN ACT

To repeal an act, approved the first day of June, one thousand nine hundred and fifteen, entitled "An act regulating the disposition of dockets of justices of the peace and aldermen, and providing penalties."

Section 1. Be it enacted, &c., That the act approved the first day of June, one thousand nine hundred and fifteen (Pamphlet Laws, six hundred and sixty-nine), entitled "An act regulating the disposition of dockets of justices of the peace and aldermen, and providing penalties," is hereby repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, March 29, 1917.

To the Honorable, the Senate of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, Senate bill No. 12, entitled "An act to repeal an act approved the first day of June, one thousand nine hundred and fifteen, entitled 'An act regulating the disposition of dockets of justices of the peace and aldermen, and providing penalties.'"

In 1915 you enacted the law which this act is intended to repeal. The law provides that at the expiration of the term of office of any justice of the peace or alderman his docket if filled shall be filed with the prothonotary of the courts. If not filled, the docket shall be transferred to his successor, who in due time shall file it with the prothonotary. Such dockets are a public record, accessible to any citizen of the Commonwealth. The act was held to be of great importance inasmuch as it kept such dockets as official public records. Moreover,

the fact that they are so preserved increases the care with which they are kept. Since these dockets contain matters of great value, especially to the poor people who are obliged to be in official contact with the minor judiciary, they ought to be preserved and made accessible. Many concrete cases have arisen under the operation of this law that prove its merits. All judicial records should be public records. All others are. These should remain so.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 7.

AN ACT

To amend part of clause (d), section seven of the act approved the fifth day of May, one thousand nine hundred and eleven (Pamphlet Laws, one hundred and ninety-eight), entitled "An act to establish a county court for the county of Allegheny, and prescribing its powers and duties; regulating the procedure therein, and providing for the expenses thereof," as amended; by providing that informations in cases of desertion and nonsupport may be made before aldermen and justices of the peace, and providing for the binding over of persons arrested on warrants issued on such informations.

Section 1. Be it enacted, &c., That so much of clause (d) of section seven of the act approved the fifth day of May, one thousand nine hundred and eleven (Pamphlet Laws, one hundred and ninety eight), entitled "An act to establish a county court for the county of Allegheny, and prescribing its powers and duties; regulating the procedure therein, and providing for the expenses thereof," which, as amended by the act approved the twenty-fifth day of June, one thousand nine hundred and thirteen (Pamphlet Laws, five hundred and forty-five), and the act approved the nineteenth day of March, one thousand nine hundred and fifteen (Pamphlet Laws, six), reads as follows:—

"In desertion and nonsupport cases, and appeals from summary convictions and judgments for penalties, the practice shall be as is now provided by law: Provided, That in desertion and nonsupport cases there shall be no preliminary hearing before a magistrate or justice of the peace; but the information in all cases shall be made before the county court, which shall thereupon issue its warrant of arrest, and the person accused shall be immediately brought before the court for trial. Any justice of the peace or magistrate may admit to bail, for a hearing before the court, persons arrested on original warrant issued out of the county court," is hereby further amended to read as follows:—

In desertion and nonsupport cases, and appeals from summary convictions and judgments for penalties, the practice shall be as is now provided by law: Provided, That in desertion and nonsupport cases there shall be no preliminary hearing before a magistrate or justice of the peace, but the information in all cases shall be made before the county court, or before an alderman or justice of the peace, which or who shall thereupon issue its or his warrant of arrest, and

the person accused shall be immediately brought before the court for trial. If such information is made before an alderman or justice of the peace, the person arrested on such warrant shall be bound over to the county court, with one sufficient surety. Any justice of the peace or magistrate may admit to bail, for a hearing before the court, persons arrested on original warrant issued out of the county court.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, March 30, 1917.

To the Honorable, the Senate of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, Senate bill No. 14, entitled "An act to amend part of clause (d), section seven of the act approved the fifth day of May, one thousand nine hundred and eleven (Pamphlet Laws, one hundred and ninety-eight), entitled 'An act to establish a county court for the county of Allegheny, and prescribing its powers and duties; regulating the procedure therein, and providing for the expenses thereof,' as amended, by providing that informations in cases of desertion and nonsupport may be made before aldermen and justices of the peace, and providing for the binding over of persons arrested on warrants issued on such informations."

This bill proposes to permit information or complaints in desertion and nonsupport cases in Allegheny County to be made before an alderman or justice of the peace as well as before the county court. The present law requires that all such cases in Allegheny County be heard before the court of record (act of May, 1911, P. L. 198). Only the parties in interest appeared at a public hearing to support this bill. All business and civic organizations protested against its approval. The record of the court now in jurisdiction indicates that these cases are now economically and expeditiously treated and that amicable adjustments and restoration of family amity have resulted in more instances than under the old system in vogue before the act of 1911. Since the fundamental purpose in such cases is to restore the family to a harmonious unit, and since the present law does this more largely than the system this bill seeks to set up, it is contrary to social progress and advancing sociological ideals to take a backward step.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 8.

AN ACT

For the relief of indigent war veterans and their families; and imposing certain powers and duties upon poor authorities, organizations composed of war veterans, and the officers thereof.

Section 1. Be it enacted, &c., That the term "overseer of the poor," as used in this act, means any person whose duty it is under existing laws to care for and relieve poor and indigent persons.

Section 2. Overseers of the poor shall provide for the relief of indigent soldiers, sailors, and marines who served in the Civil War, the War with Spain, the Philippine Insurrection, or the Boxer uprising in China, and for the relief of the families of such persons, and the families of deceased soldiers, sailors, and marines, in the manner hereinafter provided.

Section 3. The commander of any organization composed of war veterans, undertaking the work of relief provided for in this act, shall, before any such relief is granted, and annually thereafter during the month of February, file with the clerk of the proper city or borough, or with the overseer of poor of the proper district, a notice setting forth that the organization intends to undertake the work of relief provided for by this act, and the names of the commander, quartermaster, and relief committee of such organization.

Section 4. Upon the written request of commanders and quartermasters of organizations composed of war veterans, the overseers of the poor of the proper district shall furnish such sums of money as may be reasonably necessary for the relief of the indigent veterans and their families and the families of deceased veterans.

Section 5. Before any relief is granted in any case, the commander and quartermaster of such organization shall file with the overseers of the poor a statement setting forth: (a) The name and address of the person for whom relief is desired; (b) if a veteran, the organization that he served in; (c) the length of time such person has resided within the Commonwealth; (d) the cause of the indigency, if practicable; (e) the approximate period during which such indigency will continue; (f) a certificate, by the relief committee of such organization, stating that an investigation of the case has been made, and that it is the opinion of the committee that the person is in actual need of relief.

Section 6. No relief shall be granted under this act unless the person for whom the same is requested has been a resident of this Commonwealth for at least six months. At the end of the period approximated, if the person is still in need of relief, a new statement shall be filed.

Section 7. Where no organization of veterans exists in a city or borough, the proper overseers of the poor may accept the statement of the commander and quartermaster of the organization located in the nearest city or borough.

Section 8. If more than one such organization exists in any borough or city, and such organizations have a joint or central association, the officers of such joint or central association may make the request and file the statement required by sections four and five of this act. Where more than one such organization exists in a city or borough, and such organizations maintain no joint or central association, the commander of each such organization shall furnish, as soon as possible, to each of the other organizations the names of all persons to whom relief has been granted through his organization.

Section 9. In urgent cases, any such organization which has complied with the provisions of section three of this act may advance such sums as the relief committee and commander may deem necessary, not to exceed the sum of ten dollars. Overseers of the poor shall reimburse any such organization, upon the filing of the statement required by section five of this act.

Section 10. Overseers of the poor may require the commander of any such organization to execute a bond, in a reasonable sum with good security, for the faithful accounting for all funds received.

Section 11. Commanders of such organizations shall require vouchers from persons to whom relief is granted. Such vouchers shall, during the month of October of each year, be open to the inspection of overseers of the poor, who may require the commander or quartermaster to make oath that the case in question was investigated and, in his opinion, was worthy of relief.

Section 12. In the month of December of each year each commander shall file, with the person with whom the notice required by section three was filed, a detailed statement showing the names of the persons to whom relief was granted and the amounts received. The statement shall be verified by oath or affirmation. Any wilfully false oath or affirmation shall be perjury, and punishable as such. Any commander refusing to make the statement required by this section, within one week after written request therefor by the person entitled thereto, shall be liable to a penalty of twenty-five dollars, to be recovered as sums of like amount are now by law recoverable.

Section 13. Overseers of the poor are prohibited from sending indigent veterans or their families, or the families of deceased veterans, to any almshouse or orphan asylum, without the consent of the commander or relief committee of an organization having jurisdiction as provided in this act.

Section 14. Indigent veterans, their families, and the families of deceased veterans, shall, whenever practicable, be provided for at their homes. Indigent veterans, not insane, and who have no families or friends, may, with the consent of the overseers of the poor, commander of any such organization, and the veteran, be sent to any soldiers' home, and the transportation and other necessary expenses for such veteran shall be paid by the overseers of the poor.

Section 15. Any indigent insane veteran shall, upon the recommendation of the commander and relief committee of any such organization, be sent to any insane asylum, and be cared for as provided for indigent insane.

Section 16. The department commander of an organization composed of war veterans shall annually, on or before the fifteenth day of January, report to the Governor such transactions of their respective organizations, relating to the subject-matter covered by this act, as may be of interest to the organization and the people of the Commonwealth.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, April 5, 1917.

To the Honorable, the Senate of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, Senate bill No. 126, entitled "An act for the relief of indigent war veterans and their families, and imposing certain powers and duties upon poor authorities, organizations composed of war veterans, and the officers thereof."

This act purports to be for the "relief of indigent war veterans and their families." In fact it is a measure to take from the properly constituted authorities, the overseers of the poor, their duties and powers with respect to this wholly worthy class of citizens, and imposing these powers and duties upon committees of organizations of war veterans chosen by themselves. It is, therefore, not a measure for the relief of any one, but a transferring of powers from legally constituted officials to committees of voluntary organizations not coterminous with the field of service involved. This is bad legislation.

Moreover, it violates definitely Art. III, Section 20 of the Constitution, which section prohibits the General Assembly from delegating to any special commission, private corporation, or association any power to make, supervise, or interfere with any municipal improvement, money, property, or effects.

It is now the duty of the overseers of the poor to perform all the duties specified in this bill and they should perform this service adequately and well.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 9.

AN ACT

Providing for the publication and distribution of a revised edition of the railroad map of Pennsylvania, heretofore issued by the Department of Internal Affairs; making an appropriation for the work of revising, compiling, and proof-reading; and an appropriation for printing, binding, and mounting the same, and for paper.

Section 1. Be it enacted, &c., That there shall be published by the State Printer, on the order and under the direction of the Secretary of Internal Affairs, sixteen thousand five hundred copies of a revised edition of the railroad map of Pennsylvania, heretofore issued by the Department of Internal Affairs. Seven thousand eight hundred copies of which to be printed on heavy map paper, one thousand copies to be printed on muslin-mounted paper, two hundred copies to be printed on heavy map paper, without county colors, and seven thousand five hundred copies in book form.

Section 2. The distribution of the aforesaid revised edition of railroad maps shall be as follows:—

Five hundred copies, in book form, for the use of the Governor.

One thousand six hundred copies printed on heavy map paper, and one thousand copies in book form, for the use of the Senate.

Four thousand copies printed on heavy map paper, and four thousand copies in book form, for the use of the House of Representatives.

Two thousand copies printed on heavy map paper, one thousand copies printed on muslin-mounted paper, two hundred copies printed on heavy map paper, without county colors, and one thousand eight hundred copies in book form, for the use of the Department of Internal Affairs.

Two hundred copies printed on heavy map paper, and two hundred copies in book form, for the State Library.

Section 3. For the work of revising, compiling, and proof-reading said railroad maps, and necessary expenses connected therewith, the sum of four hundred dollars, or so much thereof as may be necessary, is hereby specifically appropriated. For printing, binding, and mounting said railroad maps, and for paper, the sum of seven thousand five hundred dollars, or so much thereof as may be necessary, is hereby specifically appropriated.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, April 5, 1917.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, House bill No. 57, entitled "An act providing for the publication and distribution of a revised edition of the railroad map of Pennsylvania heretofore issued by the Department of Internal Affairs; making an appropriation for the work of revising, compiling, and proof-reading; and an appropriation for printing, binding, and mounting the same, and for paper."

This bill directs the publication of 16,500 copies of a railroad map of Pennsylvania. It makes an appropriation of \$400 to revise, compile, and proof-read the maps. It also makes an appropriation of \$7,500 for paper, binding, etc. It is not clear that this is the total cost of these maps. That these maps are much sought after may well be admitted. A relatively few citizens would get copies at the expense of all the people. In the interests of economy, and in view of the extraordinary demands that may properly be made upon our people in the present national crisis, it is necessary to husband our resources and avoid any expenditures not manifestly necessary.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 10.

AN ACT

Providing that all printing done for or by the State of Pennsylvania shall bear the union label of the Allied Printing Trades.

Section 1. Be it enacted, &c., That after the passage of this act all printing done for or by the State of Pennsylvania shall bear the union label of the Allied Printing Trades.

2—Vetoed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, April 19, 1917.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, House bill No. 259, entitled "An act providing that all printing done for or by the State of Pennsylvania shall bear the union label of the Allied Printing Trades."

This bill if enforced might invalidate present contracts made by due process of law by the State Printer and lay the Commonwealth open to heavy damages and compel the making of new contracts at largely increased prices.

If the bill provided that the State printing were to be done by certain designated individuals it would carry its constitutional condemnation on its face. The effect of this bill is the same. It requires that State printing shall be done by a special class of people and by them only. Section 1, Art. I of the Constitution guarantees equal rights to all, and a man who is not a member of the Allied Printing Trades has as much right to bid on State printing as has one who is a member.

Moreover it violates Art. 3, Sections 7 and 12 of the Constitution, which sections specifically forbid the enactment of special legislation of the character contemplated in this bill. We should all stoutly resist any attempt to enact a law that would discriminate against union labor. The reverse is equally obvious. The cause of labor is not promoted by enactments that violate the Constitution or by creating special classes and granting to them special privileges. In an open, free field of professional endeavor the Commonwealth has only one obligation—to render equal justice to all.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 11

AN ACT

Fixing the salaries of writ-servers and process-servers, in the office of the sheriffs, in counties containing a population of more than one million four hundred thousand inhabitants.

Section 1. Be it enacted, &c., That from and after the first day of July, one thousand nine hundred and seventeen, the salaries of all writ-servers, and process-servers, in the office of the sheriff, in counties containing a population of more than one million four hundred thousand inhabitants, are hereby fixed at one thousand two hundred dollars (\$1,200.00) per annum for each writ-server and each process-server.

Section 2. All acts and parts of acts inconsistent with or supplied by this act are hereby repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, April 19, 1917.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, House bill No. 657, entitled "An act fixing the salaries of writ-servers and process-servers in the office of the sheriff in counties containing a population of more than one million four hundred thousand inhabitants."

This bill applies only to Philadelphia. These writ-servers and process-servers are to my personal knowledge a deserving group. They are not duly compensated for the important service they render. I should be glad to see them better paid. But the salary they now receive, namely, \$900, was fixed by an act of councils of the said city. Councils, I am advised, have since this bill was presented increased the salaries to \$1,000. The whole question is one of local municipal control and not of State regulation. Where by law a local government is full of power to deal rightly by its officials the Commonwealth ought not mandamus the local government. This is Philadelphia's problem, not the Commonwealth's.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 12.

AN ACT

To regulate the salaries of criers and tipstaves in the courts of common pleas, oyer and terminer and general jail delivery, quarter sessions of the peace, and orphans' courts, in counties having a population of over eight hundred thousand, and less than one million four hundred thousand inhabitants.

Section 1. Be it enacted, &c., That the criers and tipstaves in the courts of common pleas, oyer and terminer and general jail delivery, quarter sessions of the peace, and orphans' courts, in counties having a population of over eight hundred thousand, and less than one million four hundred thousand inhabitants, shall receive such salary as shall be fixed by the respective courts, not exceeding the sum of sixteen hundred dollars, nor less than one thousand dollars, per annum. The said salary to be paid out of the county treasury monthly.

Section 2. All acts or parts of acts, general, local or special, inconsistent herewith, be, and the same are hereby, repealed.

Section 3. This act shall not be construed to repeal or limit any of the provisions of the act, entitled "An act fixing the salary or compensation of the crier of the courts of quarter sessions of the peace and oyer and terminer and general jail delivery, in the several counties of this Commonwealth having more than one million and less than one million five hundred thousand inhabitants," approved June ninth, one thousand nine hundred and eleven (Pamphlet Laws, seven hundred twenty-one).

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, April 19, 1917.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, House bill No. 799, entitled "An act to regulate the salaries of criers and tipstaves in the courts of common pleas, oyer and terminer and general jail delivery, quarter sessions of the peace and orphans' courts in counties having a population of over eight hundred thousand and less than one million four hundred thousand inhabitants."

This bill purports to fix the salaries of court criers and tipstaves in certain counties having over 800,000 and less than 1,400,000 population. In reality it applies only to one county. Section 3 of the bill provides that this proposed bill "shall not be construed to repeal or limit any of the provisions of" the act of June 9, 1911, which act provides different salaries in counties having over 1,000,000 and less than 1,500,000 population. This at once raises a confusion in the matter of salaries in counties having over 1,000,000 and less than 1,400,000 population. In other words the bill is self-contradictory and fails to do what it attempts to do. In its attempt to readjust certain salaries in an interested county it declares that these salaries shall not be readjusted.

Manifestly such legislation should never be approved.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 13.

AN ACT

To amend article six of the act approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws, three hundred and nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," by adding thereto sections six hundred and thirty-five to six hundred and forty, both inclusive.

Section 1. Be it enacted, &c., That article six of the act approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws, three hundred and nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," is hereby amended by adding thereto the following sections:—

Section 635. Boards of school directors in districts of the second and third class may establish and maintain for children and adult persons, in school buildings and on the school grounds under the custody and management of such boards, evening schools, vacation schools, reading-rooms, library stations, debating clubs, gymnasiums, public playgrounds, public baths, and similar activities and accommodations, to be determined by such boards, without charge to the residents of such districts. Such boards of school directors may also cooperate with commissioners or boards having the custody and management of public parks, libraries, museums, and public buildings and grounds, of whatever sort, in the city, borough, town, or township comprising such school district, and make arrangements, satisfactory to such boards or school directors and such commissioners or boards controlling other public buildings and grounds, to provide the supervision, instruction, and oversight necessary to carry on public educational and recreational activities, as described in this section, in buildings and upon grounds in the custody and under the management of such commissioners or boards.

Section 636. If any board of school directors neglects or refuses to proceed as authorized in section six hundred and thirty-five of this act, the question of their action as herein authorized shall, upon petition signed by not less than ten per cent. of the qualified voters in such school district, be submitted to the electors of the school district at the next regular election, in the manner provided by the general election law. If a majority of the votes cast upon such proposition are in favor thereof, the board of school directors shall undertake and organize this work.

Section 637. Boards of school directors in districts of the second and third class shall, at or before their first regular meeting in August or September of each year, estimate the amount of money required for the next fiscal year, for the support of the aforementioned activities which have been previously determined upon by such boards of school directors. They shall levy and collect a tax upon all the property subject to taxation in the district, at the same time and in the same manner as other taxes are levied and collected. Such tax shall be equal to the amount of money required for such purposes. The tax so levied shall not in any one year exceed two-tenths mill on the dollar of assessed valuation. Such tax shall not be used or appropriated, directly or indirectly, for any other purpose than that provided in section six hundred and thirty-five of this act.

Section 638. All moneys received by or raised in such school district for the aforementioned purpose shall be paid over to the treasurer of the school district, to be disbursed by him, on orders of the board of school directors, in the same manner as other funds at the disposal of the board in such district are disbursed by them. The tax provided for in section six hundred and thirty-seven shall not be levied or collected until after the question of the levy and collection of such tax has been submitted to the qualified electors of such school district, at some regular or special election, and has been favorably voted upon by a majority of the electors voting upon such question at such election. The question as to the levy and collection of such special tax shall be submitted to the voters, in the manner provided by the general election law, upon request of the board of school direct-

ors. The question of the levy of such tax shall also be submitted upon a petition to that effect, signed by not less than ten per centum of the number of qualified voters in the school district.

Section 639. After the question of the levy and collection of such special tax has been submitted to and approved by the voters, as provided in section six hundred and thirty-eight of this act, the authority thus given to levy and collect such tax shall continue; and such tax shall be levied and collected annually until such time as the voters of the school district of such city shall, by majority vote, order the continuance of the same. The question of the discontinuance of the levy and collection of such tax shall be submitted to the voters in the same manner and under the same conditions as the proposition to authorize the levy and collection of the tax.

Section 640. The board of school directors in any school district of the second or third class is also empowered to receive and expend, for the purposes set forth in section six hundred and thirty-five of this act, any sums of money appropriated and turned over to them by the city, borough, town, or township forming such school district, for such purposes.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, April 20, 1917.

To the Honorable, the Senate of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, Senate bill No. 33, entitled "An act to amend article six of the act approved the eighteenth day of May, one thousand nine hundred and eleven, (Pamphlet Laws, three hundred and nine), entitled 'An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof that are or may be inconsistent therewith,' by adding thereto sections six hundred and thirty-five to six hundred and forty, both inclusive."

The purpose of this bill is to authorize and in a prescribed way compel school boards in second and third class school districts to lay a special tax for the purpose of maintaining evening schools, vacation schools, reading rooms, library stations, debating clubs, gymnasiums, public playgrounds, public baths, and similar accommodations for children and adults.

Section 501 of the School Code (P. L. 1911 p. 329) now gives authority to all school boards in all school districts in every class to maintain all the educational functions and departments enumerated in this bill. The code includes many more and gives the general warrant to all school districts to establish all these activities "together with such other schools or educational departments as they, in their wisdom, may see proper to establish." There is, therefore, no extension of function provided in this bill. It however does make provision to compel school boards in second and third class districts to do what by law they now may do.

The method of compulsion is expensive and impractical. It provides that ten per centum of the qualified electors may order an election to compel the school board to provide all these activities. The election so ordered cannot be held for the establishment of any one or more of these functions, but of all or none. If a majority of the electors approve then the school board "shall undertake and organize this work." Thus ten per centum of the electors may compel a school district to establish these expensive agencies, paying large sums of money for equipment and maintenance and at the next election upon the initiative of another ten per centum the whole matter may be stopped. The expense to the district of such elections is necessarily important. The continued agitation for or against these agencies would work harm and not good to the schools.

Under the School Code it was wisely provided that the school directors should have the power and the responsibility of opening and conducting such activities and agencies. An elective school board reflects public opinion and the schools are what the people make them. A school board opposed to such agencies in whole or in part would not sympathetically and cordially conduct them when mandated so to do.

The wider use of the school plant is most commendable. The purpose of this bill is already met by sufficient enactments, and it only remains for public sentiment to express itself in the selection of school directors to ensure the steady, healthful and rational expansion of school activities.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 14.

AN ACT

Making a fixed charge, for county purposes, on lands purchased by the State for State forests, and providing for the distribution of the same to the counties wherein State forests are located.

Section 1. Be it enacted, &c., That all land now owned or hereafter purchased by the Commonwealth for State forests, and which by existing law is exempt from taxation for county purposes, shall be subject to an annual charge of one cent per acre for county purposes.

Section 2. The Commissioner of Forestry shall draw his warrant, in favor of the treasurer of each county, for the amount due each county; which said warrants, after the approval of the Auditor General, shall be paid by the State Treasurer to the treasurers of the counties in whose favor the same may be drawn.

Section 3. That all acts or parts of acts inconsistent herewith are hereby repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, April 20, 1917.

To the Honorable, the Senate of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, Senate bill No. 212, entitled "An act making a fixed charged for county purposes on lands purchased by the State for State forests, and providing for the distribution of the same to the counties wherein State forests are located."

This bill imposes a tax for county purposes of one cent per acre on all forest lands owned by the Commonwealth. The amount of the tax is rather small, too small to be of any substantial service to the several counties in interest. The total tax upon the resources of the Commonwealth would be approximately \$12,000.00. The principle involved is open to grave question. The Commonwealth should not pay taxes on its own property to its various municipal subdivisions for purposes such as by law a county must support.

State lands are a State asset. They benefit all the people. They are an investment made now for the enrichment of our citizenry hereafter. The Commonwealth should be encouraged and aided in this laudable service, not hampered by taxation to the point of discouragement or discontinuance. This principle once established, the amount may be increased to the point of menacing an altruistic service.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 15.

AN ACT

Making an appropriation to reimburse the township of New Garden, in the county of Chester, for the cost of repairing a certain section of State-aid highway, and regulating the payments herein provided for.

Whereas, By the provisions of the twenty-third section of the act approved the first day of May, one thousand nine hundred and five (Pamphlet Laws, three hundred eighteen), entitled "An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner and staff of assistants, and defining the powers and duties thereof; authorizing the State Highway Department to cooperate with the several counties and townships, and with boroughs in certain instances, in the improvement of the public highways and the maintenance of improved highways; providing for the application of counties and townships for State-aid in highway improvement and maintenance; providing for the payment of the cost of highway improvements made under the provisions of this act, by the State, the counties, and the townships, and making an appropriation for this purpose, and providing

a penalty for maliciously destroying improved roads," as amended by the act, approved the eighth day of June, one thousand nine hundred and seven (Pamphlet Laws, five hundred five), entitled "An act to amend an act, entitled 'An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner and staff of assistants, and defining the powers and duties thereof; authorizing the State Highway Department to cooperate with the several counties and townships, and with boroughs in certain instances, in the improvement of the public highways and the maintenance of improved highways; providing for the application of counties and townships for State aid in highway improvement and maintenance; providing for the payment of the cost of highway improvements, made under the provisions of this act, by the State, the counties, and the townships, and making an appropriation for this purpose, and providing a penalty for maliciously destroying improved roads,' approved the first day of May, Anno Domini one thousand nine hundred and five; increasing the number of employes of the State Highway Department, and fixing the amounts of their salaries; eliminating from the items included in the expense of construction, and from those covered by damages, the cost of changes of grade; extending the provisions of the act to incorporated towns; increasing the percentage which may be paid to contractors in advance of the final completion of the work; authorizing the setting of monuments and planting of trees along State highways; prohibiting the construction of gas or water lines along State highways, except under certain conditions; and providing that the kind of roads to be built shall be decided by the State Highway Commissioner," the supervisors and commissioners of counties and townships which desired State aid in maintaining the highways thereof were required to file with the State Highway Department, on or before the first day of May, in each year, sworn petitions, requesting State aid, and setting forth the number of miles of highways improved and the cost of the same, together with the condition of said improved highways and the average annual cost of maintaining the same; and

Whereas, The supervisors of the township of New Garden, in the county of Chester, made important improvements to a certain section of State aid road within said township, but, through inadvertence on the part of the supervisors, no petition was filed with the State Highway Department in accordance with the above-recited act of Assembly; and

Whereas, The amount expended by said township of New Garden for the improvement of said State-aid road was ten thousand two hundred and twenty-five dollars and twenty cents, three-fourths of which should have been paid by the Commonwealth as provided by the above-recited acts; therefore,—

Section 1. Be it enacted, &c., That the sum of seven thousand six hundred sixty-eight dollars and ninety-three cents (\$7,668.93) is hereby specifically appropriated for the purpose of reimbursing the township of New Garden, in the county of Chester, being three-fourths of the amount expended by said township in the improvement of certain section of State-aid highway in said township, in accordance with the terms of the above-recited acts, but which,

through inadvertence on the part of the supervisors in neglecting to file the petitions required by said acts, was not paid to said township of New Garden.

Section 2. Said moneys shall be paid only on warrant of the Auditor General on the State Treasurer, on certified vouchers of the State Highway Department; and no money shall be paid until a petition, sworn to as required by said acts, shall have been filed with the State Highway Department:

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, April 20, 1917.

To the Honorable, the Senate of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, Senate bill No. 487, entitled "An act making an appropriation to reimburse the township of New Garden in the county of Chester for the cost of repairing a certain section of State-aid highway and regulating the payments herein provided for."

This bill is designed to make an appropriation of \$7,668.93 to the township of New Garden, county of Chester, as reimbursement for expenditures made by said township upon a State-aid highway. The sponsors of this bill have entirely misunderstood the provisions of section 23 of the act of May 1, 1905 (P. L. 318), as amended by the act of June 8, 1907 (P. L. 505). These acts do not obligate the State to pay three-fourths of the cost of maintenance and repair of State-aid roads, but that there shall be apportioned to the township in interest "its proportion of the total amount available for the maintenance of improved highways," not in any case exceeding three-fourths of the amount "which, in the judgment and experience of the State Highway Commissioner, the *annual cost* of maintaining the improved highways, * * * should be, nor more than three-fourths of the *sworn average annual cost*, as set forth in the petition of the supervisors * * * of said townships."

In 1911 the supervisors of this township expended \$10,225.00 in rebuilding a road. This sum is not the *average annual cost* of repairs, as they did not for some years prior thereto expend any sum whatever upon this road.

The amount apportioned by the State Highway Department to the New Garden township for that year amounted to \$133.49. If the Sproul Act had not been passed this township would have received \$133.49 and not \$7,668.93 as asked for in this bill. Had the township authorities in compliance with law filed the necessary request the township would have received \$133.49. It now asks for a gratuity of \$7,500 or more because it did not do what others did do.

Furthermore the act of June 14, 1911 (P. L. 915), set aside the sum of \$17,000 to meet the conditions created by the passage of the Sproul Act and that fund is still available to pay New Garden township just exactly what it was by law entitled to receive if the Sproul Act had not been passed. The only action necessary is to have the authorities of the township do now what they might have done at any time since June 14, 1911, namely, apply to the State Highway Department for its equitable share of the fund created by law to meet just such cases.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 16.

AN ACT

To amend section three hundred three of an act, approved the eighteenth day of May, one thousand nine hundred eleven, entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith."

Section 1. Be it enacted, &c., That section three hundred three of an act, approved the eighteenth day of May, one thousand nine hundred eleven, entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," which reads as follows:—

"Section 303. A permanent organization shall then be effected for the ensuing year, as follows:—

"In all school districts of the first class, the school directors shall elect a president and a vice-president from their members, and a secretary who is not a member. They shall elect the treasurer of the city constituting such school district of the first class as the school treasurer for such school district for the ensuing fiscal year. In each school district of the second, third, or fourth class, the school directors shall elect from their members a president and a vice-president, and shall annually on the first Monday of July elect a secretary and a treasurer, each of whom shall serve for one year. In school districts of the second class, the secretary and treasurer shall not be members of the board. In districts of the third and fourth class, they may be members of the board. The same person shall not be secretary and treasurer of any board of school directors," is hereby amended to read as follows:—

Section 303. A permanent organization shall then be effected for the ensuing year, as follows:—

In all school districts of the first class, the school directors shall elect a president and a vice-president from their members, and a secretary who is not a member. They shall elect the treasurer of the city constituting such school district of the first class as the school treasurer for such school district for the ensuing fiscal year. In each school district of the second and third class, the school directors shall elect from their members a president and a vice-president, and shall annually on the first Monday of July elect a treasurer, each to serve for one year; and shall on the first Monday of July, one thousand nine hundred and seventeen, and every four years thereafter, elect a secretary, for a term of four years. Vacancies in the office of secretary shall be filled for the unexpired term. In each school district of the fourth class, the school directors shall elect from their members a president and a vice-president, and shall annually on the first Monday of July elect a treasurer, each of whom shall serve for a term of one year. They shall also, on

the first Monday of July, one thousand nine hundred and seventeen, elect a secretary, for any term not exceeding four years, and shall elect successors to such secretary at the expiration of the term of such secretary, for terms not exceeding four years. Vacancies in the office of such secretary shall be filled for the unexpired term. In school districts of the second class, the secretary and treasurer shall not be members of the board. In districts of the third and fourth class, they may be members of the board. The same person shall not be secretary and treasurer of any board of school directors.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, April 26, 1917.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, House bill No. 376, entitled "An act to amend section three hundred three of an act approved the eighteenth day of May, one thousand nine hundred eleven, entitled 'An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith.'"

This bill amends the School Code by providing that secretaries of school boards in the 2nd and 3rd class districts shall be elected for four (4) years instead of one (1) year and in the 4th class districts for a term not exceeding four (4) years.

There is no valid reason why the secretaries of school boards should be thus set apart from the other officers of the boards and given this special permanency of service. The school boards are by law the responsible body in all school matters in their several districts. They should have control of their officers and agents and should not have by law any officers bequeathed to them by action of previous boards for a term of four years whether such officers are satisfactory or not. The effect would be to operate in the interest of certain secretaries rather than in the interest of the school district.

This and hundreds of other like matters were carefully considered by the School Code Commission and rejected because they were not consistent with the spirit of the code and against sound educational and administrative procedure.

For these reasons the bill is not approved.

MARTIN G. BRUMBAUGH.

No. 17.

AN ACT

To amend section one of an act, approved the thirteenth day of May, one thousand nine hundred and fifteen, entitled "An act to fix the salaries to be paid to the jury commissioners, county jailor, and jail physician, in counties having over eight hundred thousand, and less than one million five hundred thousand, inhabitants, according to the last preceding United States census."

Section 1. Be it enacted, &c., That section one of an act, approved the thirteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, three hundred two), entitled "An act to fix the salaries to be paid to the jury commissioners, county jailor, and jail physician, in counties having over eight hundred thousand, and less than one million five hundred thousand, inhabitants, according to the last preceding United States census," which reads as follows:—

"Section 1. Be it enacted, &c., That in counties having over eight hundred thousand, and less than one million five hundred thousand, inhabitants, according to the last preceding United States census, the annual salaries of the jury commissioners, county jailor, and jail physician, shall be as follows:

"Of the jury commissioner, twelve hundred dollars each.

"Of the county jailor, five thousand dollars.

"Of the jail physician, twenty-four hundred dollars.

"Such salaries to be paid monthly out of the county treasury," be, and the same is hereby, amended to read as follows:—

Section 1. Be it enacted, &c., That in counties having over eight hundred thousand, and less than one million five hundred thousand, inhabitants, according to the last preceding United States census, the annual salaries of the jury commissioners, county jailor, and jail physician shall be as follows:

Of the jury commissioners, twenty-five hundred dollars each.

Of the county jailor, five thousand dollars.

Of the jail physician, twenty-four hundred dollars.

Such salaries to be paid monthly out of the county treasury.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, April 26, 1917

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, House bill No. 735, entitled "An act to amend section one of an act, approved the thirteenth day of May, one thousand nine hundred and fifteen, entitled 'An act to fix the salaries to be paid to the jury commissioners, county jailor, and jail physician, in counties having over eight hundred thousand, and less than one million five hundred thousand, inhabitants, according to the last preceding United States census.'"

This bill increases the salaries of jury commissioners in Allegheny County from \$1,200 per year to \$2,500 per year.

It is a matter of record that no official or citizen, other than members of the House of Representatives, have taken the trouble to express an opinion upon a bill that increases the cost of government in this county. The duties of a jury commissioner are not burdensome. These officers do not give all their time by any means to this office. Their livelihood is not dependent upon the compensation paid for this service. To increase the salary would not increase the quality of service. Apparently these officials now perform their duties acceptably and there is no dearth of candidates for the places.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 18.

AN ACT

To further amend sections sixteen and twenty-five of an act, approved the seventh day of February, one thousand nine hundred and five, entitled "An act to create the Department of Public Printing and Binding, to carry out the provisions of section twelve, article three of the Constitution, in relation to the public printing and binding, and the supply of paper and other materials therefor," as amended.

Section 1. Be it enacted, &c., That section sixteen of an act, approved the seventh day of February, one thousand nine hundred and five, entitled "An act to create the Department of Public Printing and Binding, to carry out the provisions of section twelve, article three of the Constitution, in relation to the public printing and binding, and the supply of paper and other materials therefor," as amended by an act, approved the eleventh day of May, one thousand nine hundred and eleven, entitled "An act to amend sections one, ten, fourteen, sixteen, eighteen, twenty-one, twenty-three, twenty-five, twenty-eight, thirty-one, thirty-four, thirty-five, thirty-seven, thirty-eight, and forty-two of an act, entitled 'An act to create the Department of Public Printing and Binding, to carry out the provisions of section twelve, article three of the Constitution, in relation to the public printing and binding, and the supply of paper and other materials therefor,' approved the seventh day of February, Anno Domini one thousand nine hundred and five; by further regulating said department, and by further regulating the public printing and binding and the supply of paper and other materials therefor," which, as amended, reads as follows:—

"Section 16. The book paper shall be of the following size, namely, twenty-six by forty inches. It shall be used for the printing of the laws, journals, documents, Smull's Legislative Hand Book, and all reports and other matter printed in book form, except the Archives and any other work of such character that the aforesaid size will not be in harmony with the same; and the Superintendent of Public Printing and Binding may increase the size or decrease the size of the paper required for such work as, in his judgment, will

be best suited for the character of the same. The paper on which the bills of the Senate and House of Representatives shall be printed shall weigh twenty-six pounds to the ream, and measure seventeen by twenty-six inches. Paper for blank-books, books of record, and miscellaneous printing shall be of a size, weight, and quality best suited for such work; and all envelopes, cardboard, parchment, and other supplies shall be of the best quality," is hereby further amended to read as follows:--

Section 16. The book paper shall be of the following size, namely, twenty-six by forty inches. It shall be used for the printing of the laws, journals, documents, Smull's Legislative Hand Book, and all reports and other matter printed in book form, except the Archives and any other work of such character that the aforesaid size will not be in harmony with the same; and the Superintendent of Public Printing and Binding may increase the size or decrease the size of the paper required for such work as; in his judgment, will be best suited for the character of the same. The paper on which the bills of the Senate and House of Representatives shall be printed shall weigh twenty-six pounds to the ream, and measure nineteen by twenty-four inches. Bills shall have a margin of one inch on each side of the printed matter. Paper for blank-books, books of record, and miscellaneous printing shall be of a size, weight, and quality best suited for such work, and all envelopes, cardboard, parchment, and other supplies shall be of the best quality.

Section 2. Section twenty-five of said act, as amended, which reads as follows:--

"Section 25. The laws, journals, reports, messages, and documents shall be printed on paper twenty-six by forty inches, in octavo form, and in neat ten-point type. Each page to contain, as near as may be, one thousand eight hundred and fifty-six ems, the lines to be of thirty-two ems wide by fifty-eight ems in length, including head and foot-lines, except rule-and-figure or column-work, which may be in eight-point or smaller type (provided same cannot be set in ten-point) whenever such work shall exceed one page, and in no case hereafter shall any tables or rule-and-figure work be printed except in consecutive pages. The page size of all reports shall be six by nine inches when trimmed. The bills to be in folio form, in twelve-point type, each full page to contain not less than thirty lines, thirty-seven ems twelve-point in width, with a twelve-point slug between each line, and to have folios on right-hand page.

"The calendars: Same size as the bills, in ten-point type, to contain columns as follows:

"First, file folio; second, number of bill, whether of the House of Representatives or Senate; third, title of the bill; fourth, three separate columns, one for each reading and action thereon.

"There shall be printed as many of each Senate and House bill and each Senate and House calendar as may be ordered in writing by the chief clerks of the Senate and House of Representatives, with additional copies for the several State departments, which shall be delivered by the contractor or contractors as follows:

"Fourteen copies of each Senate and House bill, and four copies of each Senate and House calendar, for the Executive; fifty copies of each Senate and House bill, and three copies of each Senate and House calendar, for the Secretary of the Commonwealth; and two

copies of each House and Senate bill, and one copy of each Senate and House calendar, to each of the following departments: Adjutant General, Agriculture, Attorney General, Auditor General, Banking, State Library, Commission of Soldiers' Orphan School, Fisheries, Highway, Mines, Factory Inspector, Forestry, Insurance, Internal Affairs, Grounds and Buildings, Public Instruction, Public Printing, State Treasury, Health, Railroad Commission, State Police, Executive Controller; and fifty of each Senate and House bill, and fifty of each Senate and House calendar, to the Legislative Reference Bureau. The Superintendent of Public Printing and Binding is hereby authorized to increase this number, in order to provide a similar number for any new departments that may hereafter be created," is hereby further amended to read as follows:—

Section 25. The laws, journals, reports, messages, and documents shall be printed on paper twenty-six by forty inches, in octavo form, and in neat ten-point type. Each page to contain, as near as may be, one thousand eight hundred and fifty-six ems, the lines to be of thirty-two ems wide by fifty-eight ems in length, including head and foot-lines, except rule-and-figure or column-work, which may be in eight-point or smaller type (provided same cannot be set in ten-point) whenever such work shall exceed one page; and in no case hereafter shall any tables or rule-and-figure-work be printed except in consecutive pages. The page size of all reports shall be six by nine inches when trimmed. The bills shall be in folio form, in ten-point type on twelve-point slug. Each full page to contain not less than twenty-two lines, including folio, twenty-five ems pica in width, with a twelve-point slug between each line, and to have folios on the right of page.

The calendars: Same size as the bills, in ten-point type, twenty ems pica in width, to contain columns as follows:—

First, file folio; second, number of bill, whether of the House of Representatives or Senate; third, title of the bill.

There shall be printed as many of each Senate and House bill and each Senate and House calendar as may be ordered in writing by the chief clerks of the Senate and House of Representatives, with additional copies for the several State departments, which shall be delivered by the contractor or contractors as follows:

Fourteen copies of each Senate and House bill, and four copies of each Senate and House calendar, for the Executive; fifty copies of each Senate and House bill, and three copies of each Senate and House calendar, for the Secretary of the Commonwealth; and two copies of each House and Senate bill, and one copy of each Senate and House calendar, to each of the following departments: Adjutant General, Agriculture, Attorney General, Auditor General, Banking, State Library, Commission of Soldiers' Orphan School, Fisheries, Highway, Mines, Factory Inspector, Forestry, Insurance, Internal Affairs, Grounds and Buildings, Public Instruction, Public Printing, State Treasury, Health, Railroad Commission, State Police, Executive Controller; and fifty of each Senate and House bill, and fifty of each Senate and House calendar, to the Legislative Reference Bureau. The Superintendent of Public Printing and Binding is hereby authorized to increase this number, in order to provide a similar number for any new departments that may hereafter be created.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 3, 1917.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, House bill No. 37, entitled, "An act to further amend sections sixteen and twenty-five of an act, approved the seventh day of February, one thousand nine hundred and five, entitled 'An act to create the Department of Public Printing and Binding, to carry out the provisions of section twelve, article three of the Constitution, in relation to the public printing and binding, and the supply of paper and other materials therefor,' as amended."

This bill amends sections 16 and 25 of the act of February 7, 1905 (P. L. 3), as amended by the act of May 11, 1911 (P. L. 210). In effect it changes the size of all pink and white bills in transit from the present size, 8x12 inches, to the smaller size of 6x9 inches. This bill contains many important provisions and its purpose in the main is commendable. In conference last autumn with officers of the Legislature, Director of the Legislative Reference Bureau, and the then Superintendent of Printing, its provisions in the main were agreed upon and it was expressly understood and definitely known that the bill should become a law prior to the time when, by law, a new contract for the State printing for the ensuing four years would be made. That time was February 27, 1917. The bill only now comes to me. The contract for four years is made. This bill would now, if approved, add at least \$19,533.99 to the cost of the printing under present contract, an increase of 62 1-2 per cent. in the printing of the white bills and 8 1-3 per cent. in printing of the pink bills. The saving in paper is \$3,075.35. The increased cost of printing is \$22,609.34.

In a word, this bill by delay in passage negatives its good provisions, and if now approved would add a very large sum to the cost of the State's printing. Had the bill been passed in time to be applied to the present contracts it would have been approved.

For these reasons the bill is not approved.

MARTIN G. BRUMBAUGH.

No. 19.

AN ACT

To amend the first section of an act, entitled "An act to amend the first section of an act, approved the fourth day of April, Anno Domini one thousand nine hundred and seven, entitled 'An act to fix the salaries of the deputy register, clerks, and employes in the office of the register of wills of any county of this Commonwealth having a population of one million or over,' so as to make it apply to counties containing a population of one million four hundred thousand or over," approved the fifth day of May, Anno Domini one thousand nine hundred and eleven, so as to change the salaries of the said deputy register, clerks, and employes of the office of the register of wills of said counties.

Section 1. Be it enacted, &c., That the first section of an act, approved the fifth day of May, Anno Domini one thousand nine hundred and eleven, entitled "An act to amend the first section of an act, ap-

proved the fourth day of April, Anno Domini one thousand nine hundred and seven, entitled 'An act to fix the salaries of the deputy register, clerks, and employes in the office of the register of wills of any county of this Commonwealth having a population of one million or over, so as to make it apply to counties containing a population of one million four hundred thousand or over,' which now reads as follows:—

"Section 1. Be it enacted, &c., That the salaries, or compensation, of the deputy register, clerks, and employes in the office of the register of wills of any county of this Commonwealth having a population of one million four hundred thousand or over, as computed by the last preceding United States census, shall be as follows: Deputy register, at the rate of twenty-five hundred dollars per annum; one chief clerk, seventeen hundred dollars; one assistant chief clerk, sixteen hundred dollars; one bookkeeper and cashier, fifteen hundred dollars; transcribing clerks, recording clerks, inventory clerks, index clerks, compare clerks, miscellaneous clerks, and stenographer, each at twelve hundred dollars per annum; custodians of records and a messenger, each, at one thousand dollars per annum. Such salaries and compensation to be paid monthly by the treasurer of such county, according to existing laws," be, and the same is hereby, amended so as to read as follows:—

Section 1. Be it enacted, &c., That the salaries or compensation of the deputy register, clerks, and employes in the office of the register of wills of any county of this Commonwealth having a population of one million four hundred thousand or over, as computed by the last preceding United States census, shall be as follows: Deputy register, at the rate of thirty-five hundred dollars per annum; one chief clerk, two thousand dollars; one assistant chief clerk, eighteen hundred dollars; one bookkeeper and cashier, eighteen hundred dollars; one chief account clerk, eighteen hundred dollars; one chief compare clerk, twenty-two hundred dollars; one assistant chief compare clerk, eighteen hundred dollars; compare clerks, transcribing clerks, recording clerks, inventory clerks, index clerks, miscellaneous clerks, temporary clerks, search clerks, account clerks, and stenographer, each, fifteen hundred dollars per annum; custodians of records and a messenger, each, at twelve hundred dollars per annum; one janitor, at seven hundred and twenty dollars per annum. Such salaries and compensation to be paid monthly by the treasurer of such county, according to existing laws.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 3, 1917.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, House bill No. 266, entitled "An act to amend the first section of an act, entitled 'An act to amend the first section of an act approved the fourth day of April, Anno Domini one thousand nine hundred and seven, entitled "An act to fix the salaries of the deputy register, clerks, and employes in the office of the register of wills of any county of this

Commonwealth having a population of one million or over," so as to make it apply to counties containing a population of one million four hundred thousand or over,' approved the fifth day of May, Anno Domini one thousand nine hundred and eleven, so as to change the salaries of the said deputy register, clerks, and employes of the office of register of wills of said counties."

This bill increases the salaries of the present clerks and employes in the office of the register of wills in Philadelphia County. It also increases the number of such officers. It may be that this increased number of officers is needed. Not one iota of evidence to that effect is before me. It may be, and I incline to the belief, that the present officers are not as well compensated as they should be. If they need relief it is the business of the City Councils to grant it. No city official has written or spoken for this bill, and yet it adds a very large sum to the annual budget of the city government.

This bill's merits should be presented to Councils, who are the responsible agents by law in the matter. The State is not warranted in entering into local municipal affairs in this manner.

For these reasons the bill is not approved.

MARTIN G. BRUMBAUGH.

No. 20.

AN ACT

To amend section one of an act, approved the twenty-second day of April, one thousand nine hundred thirteen, entitled "An act to provide for necessary medical attention to indigent persons who may be assumed to be in danger of suffering from hydrophobia, or rabies, after having been bitten by any animal believed to be suffering therefrom; repealing all prior acts relating hereunto; and providing for the payment of expenses for such treatment heretofore incurred in good faith," by providing for payment of expenses for treatment of all persons bitten by dogs, by the county, from the fund collected from the taxation of dogs.

Section 1. Be it enacted, &c., That section one of an act, approved the twenty-second day of April, one thousand nine hundred thirteen (Pamphlet Laws, one hundred and eleven), entitled "An act to provide for necessary medical attention to indigent persons who may be assumed to be in danger of suffering from hydrophobia, or rabies, after having been bitten by any animal believed to be suffering therefrom; repealing all prior acts relating hereunto; and providing for the payment of expenses for such treatment heretofore incurred in good faith," which reads as follows:—

"Section 1. Be it enacted, &c., That in every county of this Commonwealth it shall be the duty of the officers or directors who are charged by law with the relief and maintenance of the poor and indigent of the county, or of any of the lesser poor districts therein embraced, to provide with approved medical care and proper attendance (including the so-called Pasteur treatment where prescribed) all indigent persons, domiciled within said districts, who may be assumed to be in danger of suffering from hydrophobia, or rabies, by reason of having been bitten by any animal believed to have been suffering from said disease; and to order payment of the expenses, so incurred, out of the fund provided by law for the sup-

port and relief of the needy and indigent of such county, or lesser poor districts, if still prevailing therein," be amended so as to read as follows:—

Section 1. Be it enacted, &c., That all persons domiciled within any county who may be in danger of suffering from hydrophobia, or rabies, by reason of having been bitten by any animal believed to have been suffering from said disease, may apply to any reputable physician for proper treatment (including the so-called Pasteur treatment, when necessary).

The expenses of administering any such treatment shall be paid by the county, out of the fund collected from taxation of dogs, and used for the purpose of indemnifying owners of sheep for loss or damage by dogs, upon the filing of a duly itemized voucher, under oath, with the county commissioners.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 3, 1917.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, House bill No. 308, entitled "An act to amend section one of an act approved the twenty-second day of April, one thousand nine hundred thirteen, entitled 'An act to provide for necessary medical attention to indigent persons who may be assumed to be in danger of suffering from hydrophobia, or rabies, after having been bitten by any animal believed to be suffering therefrom; repealing all prior acts relating hereunto; and providing for the payment of expenses for such treatment heretofore incurred in good faith,' by providing for payment of expenses for treatment of all persons bitten by dogs, by the county from the fund collected from the taxation of dogs."

This bill amends section 1 of the act of April 22, 1913 (P. L. 111), which act provides for free treatment of indigent persons who are in danger of rabies or hydrophobia. This amendment provides for free treatment of all such persons, whether indigent or not. Any one so menaced by reason of a dog-bite may go to any reputable physician and have free treatment—including the Pasteur treatment, which is given at only a few populous centers—and the county must pay all the expenses. The cost to be paid by the county from the funds collected from taxation on dogs, and now by law used to indemnify owners of sheep for loss or damage by dogs.

Why should a county pay for the medical and surgical treatment of a well-to-do person suffering from a dog-bite and not pay for any other injury? Why make the county pay for one of a hundred types of injury and not for others? Why pay at all, if the person is able to pay his own doctor's bills?

Further, by law, now, all indigent persons must be cared for. Why limit the fund for such humane purpose to a special tax which may be inadequate to the service needed? This would make possible the defeat of the very necessary duty of providing adequately for the treatment of the indigent sufferers.

For these reasons the bill is not approved.

MARTIN G. BRUMBAUGH.

No. 21.

AN ACT

Fixing the fee jurors summoned by the sheriff of any county, having a population of over five hundred thousand and not more than fourteen hundred thousand, for service in the courts of common pleas, courts of quarter sessions, and courts of oyer and terminer.

Section 1. Be it enacted, &c., That from and after the first Monday of January, nineteen hundred and eighteen, the fee for jurors summoned by the sheriff of any county in this Commonwealth having a population of over five hundred thousand and not more than fourteen hundred thousand, for service in the courts of common pleas, courts of quarter sessions, and courts of oyer and terminer shall be three dollars and fifty cents for each day's attendance in such court.

Section 2. All acts or parts of acts inconsistent herewith are hereby repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 3, 1917.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, House bill No. 363, entitled "An act fixing the fee jurors summoned by the sheriff of any county, having a population of over five hundred thousand and not more than fourteen hundred thousand, for service in the courts of common pleas, courts of quarter sessions, and courts of oyer and terminer."

The purpose of this bill is to increase the fees of jurors in the several counties of over 500,000 and less than 1,400,000 population to \$3.50 per day. The present fee in all parts of the State is \$2.50 per day. Jurors in Federal Courts are paid \$2.50 per day, and in addition, must furnish their own meals. There is no real basis for this classification. There is no reason why a juror in one county should be paid more than a juror in another county. It is a backward step from the uniformity established by the act of 1907.

Jurors worthy of a place on a jury are there as a patriotic duty, not for the fee. No increase in fee will increase the quality of service. Men should go upon jury duty to serve the purposes of law and to help maintain the dignity of judicial regulation of life and of property.

For these reasons the bill is not approved.

MARTIN G. BRUMBAUGH.

No. 22.

AN ACT

Relative to the sale in bulk of the whole or a large part of the stock of goods, wares, or merchandise, of any kind, or of goods, wares, or merchandise, of any kind, and fixtures, not in the ordinary course of business; providing certain requirements therefor, and imposing certain duties upon the seller and buyer, and making their violation a misdemeanor.

Section 1. Be it enacted, &c., That it shall be the duty of every person who shall bargain for or purchase any stock of goods, wares, or merchandise of any kind, or any goods or merchandise of any kind, and fixtures, in bulk, for cash or on credit, before paying to the vendor, or his agent or representative, or delivering to the vendor or his agent, any part of the purchase price thereof, or any promissory note or other evidence therefor, to demand of and receive from such vendor or agent, or, if the vendor or agent be a corporation, then from the president, vice-president, secretary or managing agent of such corporation, a written statement, sworn to substantially as hereinafter provided, of the names and addresses of all the creditors of the said vendor to whom said vendor may be indebted, together with the amount of the indebtedness due or owing and to become due or owing by said vendor to each of such creditors. And it shall be the duty of said vendor or agent to furnish said statement, which shall be verified by an oath to the following effect:—

State of Pennsylvania, }
County of _____ } ss:

Before me personally appeared
(vendor or agent, as the case may be,) who, being by me first duly sworn, upon his oath doth depose and say: That the foregoing statement contains the names of all the creditors of (the name of the vendor), together with their addresses; and that the amount set opposite each of said respective names is the amount now due and owing, and which shall become due and owing by (vendor), to such creditors; and that there are no creditors holding claims due, or which shall become due, for or on account of goods, wares, or merchandise purchased upon credit, or on account of money borrowed to carry on the business of which said goods are a part, other than as set forth in said statement and in this affidavit are within the personal knowledge of affiant.

Subscribed, and sworn to before me, this.....day of
.....
(Title of officer taking oath.)

Section 2. Thereupon it shall be the duty of the person who shall bargain for or purchase any stock of goods, wares, or merchandise of any kind, or any goods, wares, or merchandise of any kind, and fixtures, in bulk, at least ten (10) days before the completion of said purchase or the payment therefor, to notify personally or by registered mail, each of said creditors of the said vendor of said proposed sale, the price to be paid therefor, the terms and conditions thereof, and a copy of the statement of creditors provided for in section 1 of this act.

Section 3. Whenever any person shall bargain for or purchase any stock of goods, wares, or merchandise of any kind, or any goods, wares, or merchandise of any kind, and fixtures, in bulk, for cash or on

credit, and shall pay any part of the purchase price, or execute or deliver to the vendor thereof, or to his order or to any person for his use, any promissory note or other evidence of indebtedness for said purchase price or any part thereof, without first having demanded and received from said vendor or from his agent the statement provided for in section 1 of this act, and verified as there provided; and without paying or seeing to it that the purchase-money of said property is applied to the payment of the bona fide claims of the creditors of the vendor, pro rata, as shown upon such verified statement, and without first having sent the notices of said sale and said statement of creditors, as provided for in section 2 of this act, then such sale or transfer shall be fraudulent and void: Provided, however, That no proceeding at law or equity shall be brought against the purchaser to invalidate any such sale, after the expiration of ninety days from the consummation thereof.

Section 4. Any vendor of any stock of goods, wares, or merchandise of any kind, or of goods, wares, and merchandise of any kind, and fixtures, in bulk, or any person who is acting for or on behalf of any vendor, who shall knowingly or wilfully make or deliver, or cause to be made or delivered, a statement as provided for in section 1 of this act which shall not include the names of all of the creditors of such vendor, with the correct amount due and to become due to each of them, or which shall contain any false or untrue statement, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding five thousand (\$5,000) dollars, or to undergo an imprisonment not exceeding six months, or both or either, at the discretion of the court.

Section 5. A sale and transfer, or attempted sale and transfer, in bulk, in contemplation of this act, shall be deemed to be any sale or transfer, in bulk, of the whole or a large part of any stock of goods, wares, or merchandise, of any kind or of goods, wares, or merchandise of any kind, and fixtures, otherwise than in the ordinary course of trade and in the regular and usual prosecution of the seller's business: Provided, however, That, if such vendor produces and delivers a written waiver of the provisions of this act from his creditors as shown by such verified statement, then in that case the provisions of this act shall not apply.

Section 6. Nothing contained in this act shall apply to sales made under any order of a court, or to any sales made by executors, assignees, for the benefit of creditors, administrators, receivers, or any public officer in his official capacity, or by any officer of a court.

Section 7. Provided, That nothing herein contained shall prevent or hinder the vendor from demanding and receiving security from any purchaser or vendee, to insure faithful performance of the contract prior to the furnishing the list of creditors, as hereinabove set forth.

Section 8. Any person or persons, firm or corporation, or any person or persons acting for or on behalf of any firm or corporation, who shall procure from any seller or vendor a list of creditors, as hereinabove set forth, through fraud, misrepresentation, or deceit, for the purpose of injuring said seller or vendor in his business, and not for the purpose of securing the creditors of such seller or vendor, as con-

templated by this act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars.

Section 9. All acts or parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 3, 1917.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, House bill No. 364, entitled "An act relative to the sale in bulk of the whole or a large part of the stock of goods, wares, or merchandise, of any kind, or of goods, wares, or merchandise, of any kind, and fixtures, not in the ordinary course of business; providing certain requirements therefor, and imposing certain duties upon the seller and buyer, and making their violation a misdemeanor."

This bill is designed to regulate sales in bulk of merchandise and fixtures and is to supplant the present law (act of March 28, 1905, P. L. p. 62). The bill is carelessly drawn and omits necessary features to correct defects in existing law, and is in some of its terms too drastic. It was developed at the hearing on this bill that it is not adequate to the ends desired by the credit men of the State, and would in effect prevent, or at least make difficult, legitimate and necessary sales of this character. The enacting clause does not recite the provision for the purchaser to pay the creditors, nor does it recite a method of doing so, and yet in section 3 these essentials are set forth. The title is defective. The bill would not stand in the courts.

If the purchaser in advance pays any earnest money, without first having complied with the provisions of the bill, the sale is fraudulent and void. This earnest money may be only a nominal sum—usual in ordinary transfers of property—and yet it voids the sale. This is not wise legislation. It penalizes for an innocent and guiltless act.

The seller may require surety of the purchaser, but the purchaser is left without means of requiring the seller to pay his bills or apply the purchase-money to such payment. Defects in the present law are not met by this one, and the purchaser is so hedged about as to make it practically impossible to consummate such sale. The Assembly should enact a complete and practical law governing such sales.

For these reasons the bill is not approved.

MARTIN G. BRUMBAUGH.

No. 23.

AN ACT

To amend section two thousand six hundred twenty of an act, approved the eighteenth day of May, one thousand nine hundred eleven, entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith."

Section 1. Be it enacted, &c., That section two thousand six hundred twenty of an act, approved the eighteenth day of May, one thousand nine hundred eleven (Pamphlet Laws, three hundred nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local or any parts thereof, that are or may be inconsistent therewith," which reads as follows:—

"Section 2620. Such auditors shall begin their duties on the first Monday in July each year, and promptly audit the accounts of the school district for which they were appointed, including the accounts of the treasurer, the school depositaries, and other school funds, for the preceding fiscal year, in the manner herein provided. On the completion of the audit they shall make a correct duplicate report thereof, which shall contain an itemized statement of all receipts, expenditures, and credits, whatsoever, of school officials, and the assets and liabilities of the district; one copy to be filed with the board of school directors of the district, and the other copy in the court of common pleas to the number and term in which their appointment was made," is hereby amended to read as follows:—

Section 2620. Such auditors shall begin their duties on the first Monday in July in each year, and promptly audit the accounts of the school district for which they were appointed, including the accounts of the treasurer, the school depositaries, and other school funds, for the preceding fiscal year, in the manner herein provided. The auditors shall complete their audit not later than the first day of September in each year, and shall file their itemized statement as hereinafter required not later than said first day of September. On the completion of the audit they shall make a correct duplicate report thereof, which shall contain an itemized statement of all receipts, expenditures, and credits, whatsoever, of school officials, and the assets and liabilities of the district; one copy to be filed with the board of school directors of the district and the other copy in the court of common pleas to the number and term in which their appointment was made.

Commonwealth of Pennsylvania,

Executive Chamber,

Harrisburg, May 3, 1917.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, House bill No. 847, entitled "An act to amend section two thousand six hundred

twenty of an act, approved the eighteenth day of May, one thousand nine hundred eleven, entitled 'An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith.'"

The purpose of this bill is to compel auditors of school funds to complete their work and file an itemized statement not later than September 1, 1917.

Under present law these auditors must begin their duties on the first Monday in July each year, and promptly audit the accounts of the school district. It is not conceivable that two months are required for any such audit unless there is some appeal to the courts, in which case the audit will, in any event, be incomplete until the findings of the court become known. To add an additional law for a purpose so obviously unnecessary is not economy. The present act is adequate.

For these reasons the bill is not approved.

MARTIN G. BRUMBAUGH.

No. 24.

AN ACT

Validating certain elections of counties, cities, boroughs, townships, school districts, and other incorporated districts, held pursuant to the provisions of an act approved the twentieth day of April, one thousand eight hundred and seventy-four, entitled "An act to regulate the manner of increasing the indebtedness of municipalities, to provide for the redemption of the same, and to impose penalties for the illegal increase thereof," and the amendments thereto, and validating bonds issued, or authorized to be issued, in pursuance of such elections.

Section 1. Be it enacted, &c., That all elections heretofore held by any county, city, borough, township, school district, or other municipality or incorporated district within this Commonwealth, to increase its indebtedness under the provisions of an act, entitled "An act to regulate the manner of increasing the indebtedness of municipalities, to provide for the redemption of the same, and to impose penalties for the illegal increase thereof," approved the twentieth day of April, one thousand eight hundred and seventy-four, and under the acts amendatory thereof, where the majority of votes cast at such election was in favor of the increase of indebtedness, be, and the same are hereby, ratified, confirmed, and made valid, notwithstanding the authorities of such county, city, borough, township, school district, or other incorporated district, did not, by separate and independent action, prior to the ordinance or vote in pursuance of which notice of the election was given to the electors, signify their desire for such increase of indebtedness; or did not, in the words of the act and amendments aforesaid, authorizing such increase, signify their desire for such increase of indebtedness; or where the ballots were not

certified or signed by the county commissioners, or were not printed on the official ballot after the list of candidates, but were printed on separate ballots; or where full, complete, and proper return of the votes was not made to the proper court, or counted by the court; and notwithstanding any defect or informality in the manner of giving notice of such election; and notwithstanding any mistake in stating the amount of percentage of the existing debt, or the percentage of the proposed increase. All bonds issued or to be issued in pursuance of every such election are hereby made valid, binding obligations of every such county, city, borough, township, school district, or incorporated district: Provided, All the other requirements of the law concerning such election and issue of bonds have been complied with: Provided, however, That the provisions of this act shall not apply to any case where the issue of bonds pursuant to a special election is now or has been enjoined by a law court of this Commonwealth.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 3, 1917.

To the Honorable, the Senate of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, Senate bill No. 213, entitled "An act validating certain elections of counties, cities, boroughs, townships, school districts, and other incorporated districts, held pursuant to the provisions of an act approved the twentieth day of April, one thousand eight hundred and seventy-four, entitled 'An act to regulate the manner of increasing the indebtedness of municipalities, to provide for the redemption of the same, and to impose penalties for the illegal increase thereof,' and the amendments thereto, and validating bonds issued, or authorized to be issued, in pursuance of such elections."

On April 26, 1917, I approved House bill No. 8, the provisions of which are of like purpose and effect as the provisions of this bill. The purposes of this bill having been accomplished its approval is unnecessary.

For these reasons the bill is not approved.

MARTIN G. BRUMBAUGH.

No. 25.

AN ACT

To amend section one of the act, approved the twenty-eighth day of April, one thousand eight hundred and eighty-seven, entitled "An act to authorize the courts of common pleas to decree the sale of real estate, held for poor purposes in the several counties, boroughs, townships, and poor districts in this Commonwealth, and the reinvestment of the proceeds thereof," by extending the provisions of the act to include the sale of real property of the Commonwealth reserved for the use of a poor district.

Section 1. Be it enacted, &c., That section one of the act, approved the twenty-eighth day of April, one thousand eight hundred and eighty-seven (Pamphlet Laws, seventy-five), entitled "An act to authorize the courts of common pleas to decree the sale of real estate,

held for poor purposes in the several counties, boroughs, townships, and poor districts in this Commonwealth and the reinvestment of the proceeds thereof," which reads as follows:—

"Section 1. Be it enacted, &c., That the courts of common pleas of the several counties of this Commonwealth shall have jurisdiction, and are hereby authorized, to decree a public or private sale of any poorhouse property or real estate, held for the relief and employment of the poor, in any county, city, borough, township, or poor district, at such times, and in such parts or parcels and upon such terms, as, in the opinion of any such court, may be considered most advantageous to such district," is hereby amended to read as follows:—

Section 1. Be it enacted, &c., That the courts of common pleas of the several counties of this Commonwealth shall have jurisdiction, and are hereby authorized, to decree a public or private sale of any poorhouse property or real estate, held for the relief and employment of the poor, in any county, city, borough, township, or poor district, at such times, and in such parts or parcels, and upon such terms, as, in the opinion of any such court, may be considered most advantageous to such district. Such sale may be made whether the title to such real estate is in the county, city, borough, township, or poor district, or whether such real estate was reserved by the Commonwealth for use as a poor-farm, and the legal title thereof still remains in the Commonwealth. The title to all such real estate owned by the Commonwealth, so conveyed, is hereby made good and valid.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 10, 1917.

To the Honorable, the Senate of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, Senate bill No. 263, entitled "An act to amend section one of the act, approved the twenty-eighth day of April, one thousand eight hundred and eighty-seven, entitled 'An act to authorize the courts of common pleas to decree the sale of real estate, held for poor purposes in the several counties, boroughs, townships, and poor districts in this Commonwealth, and the reinvestment of the proceeds thereof,' by extending the provisions of the act to include the sale of real property of the Commonwealth reserved for the use of a poor district."

This bill amends the act of April 21, 1887 (P. L. 75), by including in the properties that may be sold under court decree for the use of a poor district real estate reserved by the Commonwealth for use as a poor-farm. It authorizes the court to decree sale and confirm title to property now in the name of the Commonwealth. This is unquestionably a very special case and it may be much more widely applicable than the case intended to be met. Such special laws as a rule are poor policy. I am not convinced of the necessity of this act, and am opposed to the plan of amending general laws so as to have them apply to some exceptional case. The relief sought, if necessary, should be sought in some other way. It is unwise to generalize a local situation by law when the general field so covered is unknown.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 26.

AN ACT

Creating a reward or bounty for the destruction of certain noxious animals killed within the Commonwealth of Pennsylvania; providing a method for the payment of the same; and providing the method of furnishing evidence of said destruction, and penalties for the violation of the several provisions hereof.

Section 1. Be it enacted, &c., That a reward or bounty shall be paid by this Commonwealth for the killing, within the Commonwealth only, of the following noxious animals: For each Canada or bay lynx, commonly called bobcat or wildcat, the sum of eight dollars; for each fox, the sum of two dollars; for each weasel, the sum of one dollar and fifty cents; and for each mink, the sum of one dollar.

Section 2. It shall be the duty of any person who, having killed within this Commonwealth one or more of the animals named in section one of this act, and being desirous of securing the reward or bounty named for such killing, as fixed by section one of this act, to produce such slain animal or animals, or the entire pelt thereof, before any game protector or special deputy game protector, or any other person authorized to administer oaths, within this Commonwealth, and to make affidavit that he or some member of his family, naming such person, killed the same—naming it,—stating clearly the approximate time of such killing, that it was killed in a wild state, that the place where such animal was killed—naming it—was within the Commonwealth of Pennsylvania, and that such animal was not reared in captivity.

Upon the production of such animal or pelt, before any person authorized to take affidavits under the provisions of this act, such official shall prepare his statement in accordance with the provisions of this act; and such official shall include in one affidavit all claims for bounty that may be made by one person, at one time, not to exceed five, and shall, excepting in the case of a salaried game protector, receive in full for services rendered a fee of twenty-five cents, where but one animal is named in such affidavit; where more than one animal is named in one affidavit, the fee shall be fifty cents: such fee, in all cases, to be paid by the claimant for bounty. The affidavit shall preferably be made upon forms to be provided by the Board of Game Commissioners on demand made by any person authorized to take affidavits within this Commonwealth; and all affidavits of this character shall, in all cases, clearly set forth the name of the animal killed for which a bounty is claimed, the name of the person killing same, the approximate time when such animal was killed, that it was killed in a wild state, giving as nearly as possible the name of the place and county, within this Commonwealth, where same was killed, and that such animal was not reared in captivity. Upon the completion of such affidavit and the payment of the fee as above stated, the game protector, or other person administering the oath, shall deliver said affidavit, and skin or pelt brought before him, to the claimant for bounty, who shall, as soon as may be, forward such affidavit and the skin or pelt of the animal or animals, for the killing of which a bounty is claimed and named in such affidavit, to the secretary of the Board of Game Commissioners at Harrisburg.

Section 3. Upon the receipt of such affidavit and skins or pelts, in proper form, the secretary of the Board of Game Commissioners, being satisfied that the skins or pelts presented to him are the skins or pelts of animals for the killing of which a bounty is offered by this act, and that such claims are in all respects legitimate, shall, as quickly as may be, forward his check to the claimant, for the amount found to be due; and shall return all such skins or pelts, at the expense of the bounty-fund, to such address as the owner may direct; and shall, at least once a month, render an accounting to the Auditor General, in such form as he may prescribe, of all claims paid, giving the name and address of the payee, the number of the check given, and the amount so paid.

For the purposes of this authority, the secretary of the Game Commission is hereby empowered to make requisition upon the fund in the State Treasury, designated by law as the bounty-fund, and to secure through a warrant of the Auditor General such an amount monthly, from such fund, as may be considered necessary to meet the demands that may be made for bounty during the succeeding month. The bond of the secretary of the Game Commission shall be in such an amount as to cover the amount of cash in his hands at any time.

Section 4. The Auditor General, upon presentation to him of the requisition of the secretary of the Board of Game Commissioners, shall draw his warrant upon the State Treasurer against the fund, hereinafter designated, received from the hunters' license fees, fines, penalties, and other laws of this Commonwealth, as set out in the third section of this act of Assembly, and hereinafter designated "fund for the payment of bounties."

Section 5. Pursuant to section twelve of the act of April seventeen, one thousand nine hundred and thirteen (Pamphlet Laws, eighty-five), providing for the licensing of hunters, which provides "It being specifically provided that fifty per centum of any fund returned to the State through or because of the provisions of this act, or so much of said fifty per centum as may be needed, shall be applied by the Legislature at its biennial sessions to the payment of bounties,"—one-half of the said sum hereafter received from all hunters' license fees, fines, and penalties, under the provisions of said act of Assembly, and all other fines and penalties set apart under any other laws of the Commonwealth for the payment of bounties, are hereby directed to be placed by the State Treasurer in a separate and special fund, to be designated and known as "fund for the payment of bounties;" and all of the moneys placed in said fund are declared to be available as soon as paid into the State Treasury, and are hereby specifically appropriated for the payment of the bounties as provided by this act; and the Auditor General shall charge against the said fund all the warrants drawn by him for the payments of bounties; and the State Treasurer is directed to pay out of said fund all of the warrants so drawn by the Auditor General in favor of the secretary of the Game Commission: Provided, That the office expenses, clerk hire, postage, et cetera, necessary to the performance of the extra duties imposed by this act upon the Board of Game Commissioners, shall be a charge against the fund created by this act, and shall be paid upon requisition of the secretary of said

board, and in the same form and manner as requisitions for bounty are paid: Provided further, That any moneys so placed in this fund, and not needed under the provisions of this act, shall be used solely for the purpose of wild bird and game protection, under the supervision of the Board of Game Commissioners, to be appropriated by the Legislature in the same manner as other moneys held separate and apart for such use.

Section 6. The game protectors and special deputy game protectors of the Commonwealth of Pennsylvania are hereby authorized and empowered to administer the oath necessary to the proving of the claims made, as provided by section two of this act, but no charge for administering such oath is to be made by any salaried game protector.

Section 7. It shall be unlawful for any person, at any time, to claim or to receive a bounty for the killing of any animal named in this act, the front of the face of which is split before presentation to the persons authorized to take affidavits under the provisions of this act; or to at any time collect or attempt to collect a second bounty for the killing of any animal, under the provisions of this act; or to collect or attempt to collect such bounty through the presentation of the skin or carcass, or any part thereof, of an animal not named in this act, or through deception of any character; or to present, for the purpose of securing the bounty provided for by this act, the skin, or carcass, or any part thereof, of an animal that has been reared in captivity, or the skin or carcass, or any part thereof, of any animal killed or captured outside of this Commonwealth. Every person who shall wilfully or fraudulently collect, or attempt to collect, any reward or bounty provided for by this act, to which he or they are not legally entitled under the provisions of this act; or shall aid or abet or assist in any capacity, official or otherwise, in an attempt to defraud the State through the collection or payment of any reward or bounty provided for by this act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall, in addition to the penalty that may be imposed for perjury where a false affidavit is made, be sentenced to pay the Commonwealth of Pennsylvania a fine of not less than one hundred dollars or more than five hundred dollars; or, in default of the payment thereof, with costs, shall suffer an imprisonment, in the common jail of the county in which the affidavit is made, for a period of one day in jail for each dollar of fine imposed and unpaid.

Section 8. An act, entitled "An act creating a reward or bounty for the destruction of certain noxious animals killed within the Commonwealth of Pennsylvania; providing a method for the payment of the same; and providing the method of furnishing evidence of said destruction, and penalties for the violation of the several provisions hereof," approved the fifteenth day of April, one thousand nine hundred and fifteen (Pamphlet Laws, one hundred and twenty-six), is hereby repealed.

The repeal of the aforesaid act of Assembly shall not affect any prosecutions pending at the date this act becomes effective, nor prevent the institution of any prosecutions for violation of any provision of the aforesaid act, committed prior to the date this act be-

comes effective; but all such pending prosecutions shall be terminated, and all such violations shall be prosecuted, in the same manner and under the same authority, and with like effect, as prior to the date this act becomes effective.

Section 9. The provisions of this act shall be effective on and after the first day of June, one thousand nine hundred and seventeen, and not prior to that date.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 10, 1917.

To the Honorable, the Senate of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, Senate bill No. 121, entitled "An act creating a reward or bounty for the destruction of certain noxious animals killed within the Commonwealth of Pennsylvania; providing a method for the payment of the same; and providing the method of furnishing evidence of said destruction, and penalties for the violation of the several provisions hereof."

This bill supplants present law in respect to the bounty paid for the destruction of noxious animals and the method of paying said bounty. I was advised of the fact that a new method of bounty payments was contemplated. I was not advised of the increases in the sums paid as bounty for the killing of bay lynx and weasel.

The new method of payment is undoubtedly more direct and more speedy than the method now in force. Were the bill limited to the change it would have hearty approval. My objection is to the increase of the bounty money—the lure of idle and irresponsible persons to waste their time in the woods instead of working in our industries and adding to the wealth of the Commonwealth.

Forest fires of great destructive value are among the fruits of this uneconomic procedure. The menace to protected and harmless life is also augmented. The unnecessary drain upon the hunters' license fund also follows. These noxious animals are by no means so destructive as they are by some held to be. In fact nature's balancing of life undisturbed by man is on the whole wise and good.

I am heartily in favor of legitimate sport, and am always in sympathy with such legislation as will attract busy and faithful citizens at the proper season away from the daily duties of life and out into the beautiful, wonderful out-of-doors. I am equally opposed to any enactment that keeps men in the woods all the time, seeking to make a precarious living in a manner neither commendable nor economically wise. I regret that an improvement in departmental service is so tied in with a principle of bounty compensation that the former loses to the latter.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 27.

AN ACT

Granting compensation, as provided for in the Workmen's Compensation Act of one thousand nine hundred fifteen, to the family of the late Joseph McHugh, of Weatherly, employed as a game-warden and killed while in the performance of his duties.

Whereas, On Sunday, November seventh, one thousand nine hundred fifteen, Joseph McHugh, of Weatherly, while in the employ of this Commonwealth as a game-warden, and while in the performance of his duties, was killed; and

Whereas, In the sudden death of the said Joseph McHugh, his widow, and three children whose ages are four, six and eight years, respectively, were deprived of means of support and are in urgent need; and

Whereas, The said Joseph McHugh was a faithful employe, and his said family being in needy circumstances are worthy of compensation from the Commonwealth; therefore,—

Section 1. Be it enacted, &c., That the family of the late Joseph McHugh, consisting of a widow and three children, are hereby granted the privileges and benefits of the provisions of the Workmen's Compensation Act of one thousand nine hundred fifteen.

Section 2. That the widow and children of the late Joseph McHugh are hereby authorized to make application to the Bureau of Workmen's Compensation in the Department of Labor and Industry, or the proper referee, for the same benefits and compensation as they would have been entitled to had the said Joseph McHugh been killed since the Workmen's Compensation Act of one thousand nine hundred fifteen went into effect.

Section 3. That the Bureau of Workmen's Compensation of the Department of Labor and Industry, or the referee, as the case may be, is hereby directed to consider the application of the widow and children of the late Joseph McHugh, and pay to them such compensation as they would have received had the late Joseph McHugh been killed after the Workmen's Compensation Act of one thousand nine hundred fifteen became effective.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 10, 1917.

To the Honorable, the Senate of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, Senate bill No. 180, entitled "An act granting compensation, as provided for in the Workmen's Compensation Act of one thousand nine hundred fifteen, to the family of the late Joseph McHugh, of Weatherly, employed as a game-warden and killed while in the performance of his duties."

This bill grants compensation, as provided by the Workmen's Compensation Act of 1915, to the family of the late Joseph McHugh, of Weatherly, Pa., who was killed while in the discharge of his duties as a game-warden. His killing occurred before the Workmen's Compensation Act went into force.

The purpose is most commendable. This faithful official was killed when in the performance of his duties. His family is no doubt deserving and they deserve every assistance compatible with law. But this bill is in violation of Article III, Section 18 of the Constitution. It provides in effect a gratuity or pension. This is specifically forbidden. If the bill were approved and an award made, the Auditor General would by law be compelled to surcharge the same.

The purpose is so manifestly humane that it is a painful duty to disapprove this bill, and I trust that some other means may be found to care for the dependents of this man who lost his life in the performance of his public duty.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 28.

AN ACT

To further amend section one of an act, approved the eighth day of May, one thousand eight hundred and fifty-four (Pamphlet Laws, six hundred forty-four), entitled "A further supplement to the act, entitled 'An act concerning divorces,'" as amended by omitting the proviso to clause three thereof, providing for the allowance of support or alimony in certain cases.

Section 1. Be it enacted, &c., That section one of an act, approved the eighth day of May, one thousand eight hundred and fifty-four (Pamphlet Laws, six hundred forty-four), entitled "A further supplement to the act, entitled 'An act concerning divorces,'" as amended by the act approved the first day of May, one thousand nine hundred and nine (Pamphlet Laws, three hundred seventy-four), entitled "An act amending the act, entitled 'An act amending the act, entitled 'A further supplement to an act concerning divorces,' approved May eighth, one thousand eight hundred and fifty-four, by providing that conviction for certain enumerated crimes only shall be cause for divorce, and repealing the act of June first, one thousand eight hundred and ninety-one, relating to the same subject,' approved the ninth day of March, Anno Domini one thousand nine hundred and three, so as to provide that conviction of the crime of assault with intent to kill shall be cause for divorce," which amended clause two of said section, and as amended by an act, approved the twenty-fifth day of June, one thousand eight hundred and ninety-five (Pamphlet Laws, three hundred eight), entitled "An act amending section three of an act, entitled 'An act concerning divorces,' approved the eighth day of May, one thousand eight hundred and fifty-four, enlarging the same so as to include indignities to the person of the husband," which amended the third clause of said section; which section, as thus amended, reads as follows:—

"Section 1. Be it enacted, &c., That in addition to the cases now provided for by law, it shall be lawful for the courts of common pleas of this Commonwealth, to grant divorces in the following cases:

"I. Where an alleged marriage was procured by fraud, force, or coercion, and has not been subsequently confirmed by the acts of the injured party.

"II. Where either of the parties shall have been, either within or without this State, convicted as principal, or as accessory either before or after the fact, of the crime of arson, burglary, embezzlement, forgery, kidnapping, larceny, murder either in the first or second degrees, assault with intent to kill, voluntary manslaughter, perjury, rape, robbery, sodomy, buggery, treason, or misprision of treason, and be sentenced by a competent court, having jurisdiction, to imprisonment for any term exceeding two years: Provided, That such application for a divorce be made by the husband or wife of the party so convicted and sentenced.

"III. Where a wife shall have, by cruel and barbarous treatment or indignities to his person, rendered the condition of her husband intolerable, or life burdensome: Provided, That in case of divorce under this act, if the application shall be made on the part of the husband, the court granting such divorce may allow such support or alimony to the wife as her husband's circumstances may admit of, and as said court may deem just and proper," be, and the same is hereby, further amended to read as follows:—

Section 1. Be it enacted, &c., That in addition to the cases now provided for by law, it shall be lawful for the courts of common pleas of this Commonwealth to grant divorces in the following cases:—

I. Where an alleged marriage was procured by fraud, force, or coercion, and has not been subsequently confirmed by the acts of the injured party.

II. Where either of the parties shall have been, either within or without this State, convicted as principal, or as accessory either before or after the fact, of the crime of arson, burglary, embezzlement, forgery, kidnapping, larceny, murder either in the first or second degrees, assaults with intent to kill, voluntary manslaughter, perjury, rape, robbery, sodomy, buggery, treason, or misprision of treason, and be sentenced by a competent court, having jurisdiction, to imprisonment for any term exceeding two years: Provided, That such application for a divorce be made by the husband or wife of the party so convicted and sentenced.

III. Where a wife shall have, by cruel and barbarous treatment or indignities to his person, rendered the condition of her husband intolerable or life burdensome.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 10, 1917.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, House bill No. 295, entitled "An act to further amend section one of an act, approved the eighth day of May, one thousand eight hundred and fifty-four (Pamphlet Laws, six hundred forty-four), entitled 'A further

supplement to the act, entitled "An act concerning divorces," as amended by omitting the proviso to clause three thereof, providing for the allowance of support or alimony in certain cases."

This bill amends the act of May 8, 1854 (P. L. 644), relating to divorces. It eliminates the provision as to alimony to the wife when the husband applies for the divorce. Its effect is to make easier and less expensive the securing of a divorce in this Commonwealth. We should make it more difficult and more expensive to secure a divorce. We do not want more but less divorces. The welfare of society is at stake and the Commonwealth should safeguard and promote domestic relations as fully as possible.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 29.

AN ACT

To repeal an act approved the nineteenth day of March, one thousand nine hundred fifteen, entitled "A further supplement to an act, entitled 'An act to establish a county court for the county of Allegheny, and prescribing its powers and duties; regulating the procedure therein, and providing the expenses thereof,' approved the fifth day of May, one thousand nine hundred and eleven; constituting the said court the juvenile court of said county, and prescribing its organization, jurisdiction, and powers therein and otherwise," and transferring certain cases, undisposed of in the county court of Allegheny County, to the court of quarter sessions of said county, for the purpose of hearing and disposition.

Section 1. Be it enacted, &c., That an act approved the nineteenth day of March, one thousand nine hundred fifteen, entitled "A further supplement to an act, entitled 'An act to establish a county court for the county of Allegheny, and prescribing its powers and duties; regulating the procedure therein, and providing for the expenses thereof,' approved the fifth day of May, one thousand nine hundred and eleven; constituting the said court the juvenile court of said county, and prescribing its organization, jurisdiction, and powers therein and otherwise," is hereby repealed.

Section 2. All cases instituted in the County Court of Allegheny County pursuant to the authority of the act hereby repealed, which cases are pending and undisposed of in said court at the time this act takes effect, are hereby transferred to the court of quarter sessions of Allegheny County. The said court of quarter sessions, sitting as a juvenile court, is hereby authorized to hear, determine, and dispose of the cases hereby transferred, with the same power and effect as if the act hereby repealed had never existed, and as if such cases had been originally instituted in the said court of quarter sessions.

Commonwealth of Pennsylvania,
Executive Chamber,
May 10, 1917.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, House bill No. 855, entitled "An act to repeal an act approved the nineteenth

day of March, one thousand nine hundred fifteen, entitled 'A further supplement to an act, entitled "An act to establish a county court for the county of Allegheny, and prescribing its powers and duties; regulating the procedure therein, and providing for the expenses thereof," approved the fifth day of May, one thousand nine hundred and eleven; constituting the said court the juvenile court of said county, and prescribing its organization, jurisdiction, and powers, therein and otherwise,' and transferring certain cases, undisposed of in the county court of Allegheny County, to the court of quarter sessions of said county, for the purpose of hearing and disposition."

This bill repeals the act of March 19, 1915 (P. L. 5), which act constituted the County Court of Allegheny County the juvenile court for that county. This bill revests such jurisdiction in the court of quarter sessions. This bill has attracted wide comment. Petitions from many—substantially all—bodies corporate having to do with the welfare of children are before me in opposition to the bill. Public hearings and interviews with reputable and high-minded citizens have been held. I am convinced that the bill was framed to correct alleged administrative weakness and not for any partisan purpose. The question, however, is not one of administrative situation, but of fundamentally wise legislative care of children. It is the trend of modern sociological thought, confirmed by almost universal practice, to place juvenile delinquents under the care of one judge—whose broad sympathies, wise counsel, and prolonged experience fits him best to deal in a corrective way with these cases. The judges of quarter sessions frankly admit this and declare that they are unable to assign any one judge to those cases. They admit their inability wisely to do this service and agree that it belongs to the County Court. The act of 1915 needs time to work itself into the procedure of the courts and will I hope be so organized as to give the children the best service.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 30.

AN ACT

Authorizing cities and boroughs to refund moneys paid by property owners into their treasuries when a court of competent jurisdiction shall have determined that there is no liability for such payment.

Section 1. Be it enacted, &c., That whenever any city or borough within this Commonwealth shall have, under existing laws, paved, curbed, and guttered, or otherwise improved, its highways, or any of them, or has opened or graded or acquired or condemned property in or along its highways, or any of them, at the expense in whole or in part of the owners of property bounding and abutting thereon, and such owners or any number of them shall have paid the assessments levied against them by such city or borough, or by viewers, for such improvement, into the respective treasury, the said cities and

boroughs are hereby authorized and empowered to refund to the said owners of property, or to their heirs or assigns, the amount of the assessment thus paid by them, if it shall have been determined, in any proceeding at law or in equity, by a court of competent jurisdiction, that the owners of property bounding or abutting on said highway or highways are not liable for the payment of such improvement.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 10, 1917.

To the Honorable, the Senate of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, Senate bill No. 490, entitled "An act authorizing cities and boroughs to refund moneys paid by property owners into their treasuries, when a court of competent jurisdiction shall have determined that there is no liability for such payment."

This bill authorizes and empowers cities and boroughs that have collected street assessments from property owners for street improvements to refund the same when a court determines that such assessment was improperly made or could not be legally enforced. Such assessments are by law permitted now. If by carelessness or oversight the city or borough authorities find their procedure negatived by the courts it is scarcely necessary to ask the Assembly to grant power to repay the parties that paid and did not appeal to the court. The fault does not lie in the law now operative, nor in the courts, but in the local government concerned. The improvements have been made. Those paying the assessment have received the full measure of improvement for which they were assessed. Those appealing to the courts and escaping the payment of the assessment are evading a public duty by taking advantage of municipal laxity. The municipality should not have its treasury impaired because the officers did not safeguard the municipality. Carelessness is no excuse for legislation.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 31.

AN ACT

Requiring the court committing any insane person to an institution of this Commonwealth to certify the proceedings upon which commitment was made to the superintendent of the said institution.

Section 1. Be it enacted, &c., That whenever any insane person has been or shall be committed to an institution of this Commonwealth, it shall be the duty of the court to certify to the superintendent of the institution to which said person is committed all of the proceedings,

including the papers on file and the testimony, if any taken, upon which said commitment was made, and the reasons for said commitment.

Section 2. That, upon the transfer of any such person from one institution to another, the superintendent of the institution from which said patient is being transferred shall deliver, with said insane person, to the superintendent of the institution to which he is being transferred, a copy of all papers and testimony on file with the superintendent of the institution from which said transfer is being made.

Section 3. The words "insane person," as used in this act, shall be construed to mean all kinds of insane persons, including criminal insane and insane criminals.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 10, 1917.

To the Honorable, the Senate of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, Senate bill No. 502, entitled "An act entitled 'An act requiring the court committing any insane person to an institution of this Commonwealth to certify the proceedings upon which commitment was made to the superintendent of the said institution.'"

This bill requires the court which commits an insane person to any institution in this Commonwealth to certify to the superintendent of the institution all of the proceedings, including the papers and testimony and the reasons for such commitment. Should such person subsequently be transferred to another institution, the superintendent of the former institution shall give to the superintendent of the latter institution a second copy of all the papers and testimony on file.

All these records are now open and available for examination by any interested person, and the salient facts that may have value to the alienist can readily be obtained. The expense of the procedure required by this bill is unnecessarily burdensome. Much of the testimony that would thus be transmitted would be of no value. The only reason for commitment is of course the fact that he is insane. Otherwise he could not be committed. This is therefore needless. To increase labor and expense with no correspondingly good is unwise.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 32.

AN ACT

Empowering certain corporations, societies, and voluntary associations, having subordinate lodges or branches within this Commonwealth, to change the location of their principal office or place of business; and providing for the approval by the court of common pleas, and the filing of notice of such changes.

Section 1. Be it enacted, &c., That any corporation, society, or voluntary association carried on for the sole benefit of its members and their beneficiaries, and not for profit, and having subordinate lodges or branches within this Commonwealth, may change the location of its

principal office or place of business to any other place within this Commonwealth, upon petition to and approval by the court of common pleas of the county where said principal office is located; and such court is hereby empowered, upon cause shown, to so approve. A notice that such location has been changed shall be filed by the secretary of the corporation, society, or voluntary association, under the corporate seal, in the prothonotary's office in the county to which said office or place of business has been removed, in the prothonotary's office in the county from which said office or place of business has been removed, and in the office of the Insurance Commissioner, ten days before the change shall take effect.

Section 2. All acts or parts of acts inconsistent herewith are hereby repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 10, 1917.

To the Honorable, the Senate of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, Senate bill No. 581, entitled "An act empowering certain corporations, societies, and voluntary associations, having subordinate lodges or branches within this Commonwealth, to change the location of their principal office or place of business; and providing for the approval by the court of common pleas, and the filing of notice of such changes."

On June 7, 1915, in a message filed with the Secretary of the Commonwealth, I set forth my objections to the approval of a bill that, with one exception, contained the same provisions as this bill. The added feature in this bill is the provision that the removal of the principal office shall have the approval of the court of common pleas of the county where the principal office is now located. Even this check does not remove the objection to this legislation. It is questionable in law whether a court of one county can authorize a change by which a corporation may be domiciled within the jurisdiction of another court (See 216 Pa. 630). Under many decisions of the courts it is held that a corporation has no power to change its place of business from one county to another, and these decisions confirm the wisdom of preventing corporations of the kind defined to move at will or to move by court sanction. The result would be confusion, lack of responsibility, general disadvantage to the people concerned, and a departure from time-approved procedure generally effective in corporate law.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 33.

AN ACT

To fix the pay of election officers, in cities of the first and second class.

Section 1. Be it enacted, &c., That the pay of all election officers, in cities of the first and second class, is hereby fixed at ten dollars (\$10.00) per day.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 10, 1917.

To the Honorable, the Senate of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, Senate bill No. 681, entitled "An act to fix the pay of election officers in cities of the first and second class."

This bill increases the pay of election officers, in cities of the first and second class, from five (5) to ten (10) dollars per day. The duties of election officers in the municipal units above recited are no more onerous than these duties elsewhere. There is no reason for this difference and no valid reason for any increase. These officers ought to act from a sense of public duty and not for the compensation.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH

No. 34.

AN ACT

Authorizing a State Association of Township Supervisors, and providing for the payment of the expenses thereof by the respective counties.

Section 1. Be it enacted, &c., That the formation of a State Association of Township Supervisors, of townships of the second class, is hereby authorized. The association shall hold annual meetings, at such time and place within the Commonwealth as it may designate, for the purpose of discussing various questions and subjects pertaining to the duties of township supervisors, and for the purpose of devising uniform economical and efficient methods of administering the affairs of townships.

Section 2. Each county association of township supervisors and commissioners shall send one township supervisor for each ten townships of the second class, or fraction thereof, within said county, as a delegate to each annual meeting of said State Association.

Section 3. The expenses of the delegates attending the annual meeting shall not exceed three dollars per day for each delegate, for not more than three days, together with the actual mileage, and shall be paid by the respective county associations.

Section 4. The expenses of the annual meeting, including expenses of committees, printing, and stenographers, shall be paid pro rata by the respective county associations, and shall not exceed ten dollars for each county association.

Section 5. Within thirty days after each annual meeting of the State Association, the treasurer of the respective county association shall file with the county treasurer an itemized statement, under oath, setting forth where and when the annual meeting of the State

Association was held, the number of delegates from the respective association in attendance, and the expenditures due from the county association for such annual meeting.

Section 6. The county treasurer shall pay to the treasurer of the respective county association, out of the county funds, the amount expended by the county association under the provisions of this act.

Section 7. All acts or parts of acts inconsistent with this act are hereby repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 17, 1917.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, House bill No. 119, entitled "An act authorizing a State Association of Township Supervisors, and providing for the payment of the expenses thereof by the respective counties."

This bill creates a State Association of Township Supervisors. In the title there is no limitation. In the body of the act it is limited to supervisors of townships of the second class. It thus excludes from membership any representatives from cities, boroughs, and from the forty-five townships of the second class. The association would thus be not a State body in its scope.

It is further provided that each county association of township supervisors and commissioners shall send one supervisor for each ten townships of the second class, or fraction thereof, to each annual meeting of said association. Philadelphia County would have no representative, since it has no townships. Forest, Montour and Sullivan would, if at all, be given one representative, since each of these counties contains less than ten townships. Adams County, with 21 townships, would send three delegates. Allegheny, with ten townships of the first class, would send five delegates for the 43 townships of the second class. Likewise, Berks County would send five delegates. And Fulton, with 11 townships, would send two.

Each delegate is allowed not over nine dollars and mileage—the rate per mile being unnamed. In addition, the several counties would be obliged to pay not in excess of ten dollars for expenses of committees, etc.

The County Associations are now organized and are in close touch with the State Department of Highways. In fact, the Commonwealth now extends its services freely to the township supervisors, and there seems no good reason for the establishment of laws of this additional expense, which would build and repair many roads now sadly in need of such attention. The association would not include in its membership the many boroughs and other municipal units whose roads are quite as much in need of attention as those of the second class townships.

The bill will not render the service it visions. It is impractical, inequitable, and unnecessary.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 35.

AN ACT

Validating certain foreclosure proceedings instituted by foreign executors, administrators, and guardians; sheriff's sales had thereon; and the title acquired thereby.

Section 1. Be it enacted, &c., That all foreclosure proceedings by scire facias, or otherwise, heretofore instituted in any of the courts of this Commonwealth by any executor, administrator, guardian, or other legal representative of the estate of a decedent or a minor, acting under any authority granted by or under the laws of any other State or Territory of the United States, or of any kingdom, state, sovereignty, or country; and all sheriff's sales upon any judgments recovered and executions issued in said foreclosure proceedings, where such executor, administrator, guardian, et cetera, has, prior to the institution of said proceedings, filed in the office of the register of wills in and for the county in which the real estate so sold at sheriff's sale is situate, a duly authenticated copy of the will or other grant of authority, as aforesaid; be, and the same are hereby, validated. The title acquired by such sheriff's sale shall be the same as would have been acquired by an executor, administrator, guardian, or other legal representative duly appointed by the proper courts of this Commonwealth. Nothing herein contained shall affect the right of any parties to any suit now pending, in which the validity of the title to lands under any such sheriff's sale shall have been questioned.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 17, 1917.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, House bill No. 912, entitled "An act validating certain foreclosure proceedings instituted by foreign executors, administrators, and guardians; sheriff's sales had thereon; and the title acquired thereby."

The purpose of this bill is to validate certain foreclosure proceedings and the title thereby acquired. The bill is carelessly drawn. On page 2, line 7, there is an omission of a character that makes the bill meaningless in the law—to wit, that "the title acquired by such sale shall be the same as would have been acquired by an executor, etc."—a situation that cannot happen. There is an omission of some words preceding the word "executor, etc.," such as "at a sale." Such words would be meaningful. As the bill comes to me it is useless. Moreover, under existing law a foreign executor, etc., has no standing or authority in this State. Auxiliary letters must be issued here empowering him to act in this Commonwealth. If some one acted here in this capacity, under the authority of the courts of another State, such action was contrary to law, and it is doubtful whether we should or could in this manner quiet title and validate an invalid act.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 36.

AN ACT

To quiet the title to real estate; and to enable citizens of the United States, and corporations authorized to hold real estate within this Commonwealth, to hold and convey title to real estate which has been formerly held by or for corporations not authorized by law to hold the same.

Section 1. Be it enacted, &c., That where any real estate in this Commonwealth, heretofore held by or for any corporation or corporations not having the right to own and hold the same, has been conveyed to any citizen of the United States or to any corporation authorized by the laws of this Commonwealth to hold the same, such citizen or corporation, grantee as aforesaid, shall hold and may convey such title and estate indefeasibly, as to any right of escheat in this Commonwealth by reason of such real estate having been sold by or for a corporation not authorized to hold the same by the laws of this Commonwealth. This act shall not apply to escheat cases now in litigation.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 17, 1917.

To the Honorable, the Senate of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, Senate bill No. 55, entitled "An act to quiet the title to real estate; and to enable citizens of the United States, and corporations authorized to hold real estate within this Commonwealth, to hold and convey title to real estate which has been formerly held by or for corporations not authorized by law to hold the same."

This bill is identical in import and in language with House bill No. 386, which was approved Thursday, May 17, 1917. There is, obviously, therefore, no need of this bill receiving executive approval.

For this reason this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 37.

AN ACT

Providing for the appointment of probation officers in certain counties; fixing their powers, duties, and salaries.

Section 1. Be it enacted, &c., That in counties having a population of more than eight hundred thousand and less than one million four hundred thousand inhabitants, the court of quarter sessions shall appoint a chief probation officer, whose salary shall not exceed three thousand dollars per year, and such additional probation officers as the majority of the judges may determine, at salaries not exceeding fifteen hundred dollars per year, whose compensation shall be fixed

by the majority of the judges of said court, and whose powers and duties shall be similar to those heretofore exercised by probation officers appointed by the court of quarter sessions of the peace of said county. In addition to such compensation, the probation officers shall receive such expenses as may be necessary and shall have been approved by the judge of the juvenile court. Said compensation and expenses shall be paid monthly, out of the treasury of the county, in the manner in which other county expenses are paid by law.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 17, 1917.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, House bill No. 854, entitled "An act providing for the appointment of probation officers in certain counties, fixing their powers, duties, and salaries."

This bill provides for the appointment by the judges of the court of quarter sessions of Allegheny County of certain probation officers. This is a companion bill to House bill No. 855, which latter bill was designed to transfer the jurisdiction in juvenile cases from the County Court to the court of quarter sessions. Inasmuch as the latter bill was not approved, this bill is unnecessary. The probation officers necessarily belong with the court having jurisdiction. The court of quarter sessions not having jurisdiction, it has no need for such officers.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 38.

AN ACT

To promote uniformity in all courts of record in issuing writs and process for the beginning of civil actions.

Section 1: Be it enacted, &c., That when any civil action is begun in any court of record of this Commonwealth, the original writs or process issued shall be the same as those issuable out of the courts of common pleas for the beginning of like actions; but, in all other respects, the procedure in such actions shall be and remain the same as now provided by law.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 17, 1917.

To the Honorable, the Senate of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, Senate bill No. 115, entitled "An act to promote uniformity in all courts of record in issuing writs and process for the beginning of civil actions."

This bill provides that civil actions begun in all courts of record shall use the same form of writ as is now issuable out of courts of common pleas in like actions.

The bill is indefinite. It seeks to do by indirection what, if proper to do, should be done directly. It cannot apply to courts of quarter sessions, nor to orphans' courts, and yet these are courts of record. If it is intended to apply to the Philadelphia Municipal Court and to the County Court in Allegheny, it should say so.

Should it be approved, it would doubtless cause litigation and involve the action and process of the courts. Such litigation should be avoided, not encouraged. A bill that opens the way to litigation and that causes delay or confusion is not desirable.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 39.

AN ACT

Validating marriages contracted on or before the first day of January, one thousand eight hundred and ninety-six, within or without the State of Pennsylvania, between parties resident within the State of Pennsylvania at the time of the approval of this act, where continuous cohabitation of the parties contracting the marriage, for a period of twenty-one years, has followed such marriage, notwithstanding any impediment or obstacle which may have existed under the law of Pennsylvania at the time such marriage was performed, and making legitimate all children born of parents whose marriages are validated under this act.

Section 1. Be it enacted, &c., That all marriages duly contracted and solemnized, within or without the State of Pennsylvania, on or before the first day of January, one thousand eight hundred ninety-six, between parties resident in the State of Pennsylvania at the time of the approval of this act, which have been followed by continuous cohabitation of the parties for the period of twenty-one years thereafter, are hereby declared to be valid and lawful marriages under the law of the State of Pennsylvania; notwithstanding any impediment or obstacle to such marriage, which, under the laws of the State of Pennsylvania, may have existed at the time such marriage ceremony was performed; and notwithstanding any disability of either party to such marriage, under the laws of the State of Pennsylvania, to enter into such marriage contract at the time of the entry therein.

Section 2. That all the parties who have entered into a marriage contract which comes within the provisions of section one of this act shall hereafter have all the rights of inheritance from each other and their children that they would have had if the marriage contract entered into between them had been a valid and lawful contract of marriage, under the laws of the State of Pennsylvania, at the time it was entered into.

Section 3. That all the children born of parents whose marriages come within the provisions of section one of this act, which marriages are heretofore validated and made lawful under the pro-

visions of this act, born at any time after the marriage of their parents, are hereby declared to be legitimate children, with all and every the rights and duties of children born in lawful wedlock under the laws of the State of Pennsylvania.

Section 4. That continuous cohabitation for the period of twenty-one years after marriage of parties, to all marriages which come within the provisions of section one of this act, shall be presumed; and the burden of rebutting such presumption shall be upon the party or parties who allege to the contrary.

Section 5. All acts or parts of acts inconsistent with this act are hereby repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 17, 1917.

To the Honorable, the Senate of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, Senate bill No. 675, entitled "An act validating marriages contracted on or before the first day of January, one thousand eight hundred and ninety-six, within or without the State of Pennsylvania, between parties resident within the State of Pennsylvania at the time of the approval of this act, where continuous cohabitation of the parties contracting the marriage for a period of twenty-one years has followed such marriage, notwithstanding any impediment or obstacle which may have existed under the law of Pennsylvania at the time such marriage was performed and making legitimate all children born of parents whose marriages are validated under this act."

This bill proposes to validate marriages contracted on or before January 1, 1896, which marriages were followed by continuous cohabitation of the parties for a period of twenty-one years. The bill provides that, no matter what the impediment or obstacle may have been at the time of contracting the marriage, if the parties live together for twenty-one years the marriage is to be considered valid and binding. Should a married man desert his lawful wife and run away with another man's wife, entering into a contract of marriage and living together for twenty-one years, this latter and illegal marriage would by this bill become legal. Thus the man would have two wives and the woman two husbands. Divorce and property rights are not considered. Such violation of the sanctity and legality of the marriage state is so manifestly contrary to justice and social security that the Commonwealth should not for a moment countenance it.

Moreover, the marriage relation itself is a contract involving property rights. It carries the dower rights of a wife and the property rights of legitimate children. This bill would deny property rights to the deserted wife and transfer them to the "wife" of a bigamous marriage. Should the man die intestate, it would divide his property, real and personal, equally among the children of his first wife and the illegitimate children by his bigamous marriage. If the first wife is dead, this bill is unnecessary, since the man can then lawfully remarry and thus legitimize his children. It is solely an attempt to deny a living and deserted wife her legal rights.

The effect of the bill is thus seen to be to declare that the present lawful wife is not his wife, and that another woman, who occupies an illegal relation, is his wife. This is morally censorable, and legally impossible since it impairs the obligation of contracts, thus violating Article 1, Section 17 of the Constitution.

It is vicious special legislation. It violates Article III, Section 7 of the Constitution. There is no reason for validating such illegal alliances made before January 1, 1896, and not validating the same sort of reprehensible action after that date.

The bill has not one redeeming feature. Neither in law nor in morals is it sound or meritorious. It violates the sanctity of the marriage state and is in purpose contrary to all that is fundamentally right in our home life.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 40.

AN ACT

To amend section two of an act, approved the fifteenth day of June, one thousand nine hundred and eleven, entitled "An act providing for the appointment by the district attorney, in counties having a population of over one million and less than one million five hundred thousand inhabitants, of a chief county detective, an assistant county detective, and special county detectives; defining their duties, fixing their salaries, and authorizing the payment of the same, together with the necessary traveling expenses, by the county;" and providing for additional salary and expenses.

Section 1. Be it enacted, &c., That section two of an act, entitled "An act providing for the appointment by the district attorney, in counties having a population of over one million and less than one million five hundred thousand inhabitants, of a chief county detective, an assistant county detective, and special county detectives; defining their duties; fixing their salaries, and authorizing the payment of the same, together with the necessary traveling expenses, by the county," approved the fifteenth day of June, Anno Domini one thousand nine hundred and eleven, which reads as follows:

"Section 2. Said county detective, assistant county detectives, and special county detectives, shall, at all times, be subject to the orders of the district attorney, who may remove them or any of them at his pleasure, filling vacancies so created as may be deemed necessary. Said county detective, assistant county detective, and special county detectives shall not be entitled to receive any fees whatsoever; but the county detective shall receive a salary of three thousand dollars (\$3,000) per annum, the assistant county detective shall receive a salary of twenty-four hundred dollars (\$2,400) per annum, and the special county detectives shall receive a salary of one hundred and twenty five dollars (\$125.00) per month each, together with all necessary traveling expenses; which said salary and expenses having been verified by affidavit of the county detective, assistant county detective, or special county detective, incurring the same, and approved by the district attorney, shall be paid out of the treasury of the county, on

a certificate issued by the district attorney, directed to the controller of the county, who shall order warrants for said amounts according to law," be, and the same is hereby, amended to read as follows:—

Section 2. Said county detective, assistant county detective, and special county detectives shall, at all times, be subject to the orders of the district attorney, who may remove them or any of them at his pleasure, filling vacancies so created as may be deemed necessary. Said county detective, assistant county detective, and special county detectives shall not be entitled to receive any fees whatsoever; but the county detective shall receive a salary of three thousand dollars (\$3,000) per annum, the assistant county detective shall receive a salary of twenty-four hundred dollars (\$2,400) per annum, and the special county detectives shall receive a salary of one hundred fifty dollars (\$150.00) per month each, together with all necessary expenses; which said salary and expenses, having been verified by affidavit of the county detective, assistant county detective, or special county detective incurring the same, and approved by the district attorney, shall be paid out of the treasury of the county, on a certificate issued by the district attorney, directed to the controller of the county, who shall order warrants for said amounts according to law.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 17, 1917.

To the Honorable, the Senate of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, Senate bill No. 680, entitled "An act to amend section two of an act approved the fifteenth day of June, one thousand nine hundred and eleven, entitled 'An act providing for the appointment by the district attorney, in counties having a population of over one million and less than one million five hundred thousand inhabitants, of a chief county detective and assistant county detective and special county detectives, defining their duties, fixing their salaries, and authorizing the payment of the same, together with the necessary traveling expenses, by the county;' and providing for additional salary and expenses."

This bill amends the act of June 15, 1911 (P. L. 965), by increasing the salary of each special county detective from \$125 per month to \$150 per month.

The merit of this request to increase these salaries has been questioned. The people of the county concerned pay the increase. Why then, should not the commissioners of the county, who are the direct representatives of the people concerned, themselves grant such increase? It is their function, not the Commonwealth's. The representatives from other parts of the Commonwealth have no means of knowing what is just and fair in such cases. They should not be obliged to do what is clearly the duty of another legally constituted body of competent jurisdiction.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 41.

AN ACT

Authorizing and empowering the State Highway Commissioner to take over abandoned rights of way, or any part or parts thereof, owned or controlled by railroad or railway companies, for the use of the State Highway Department, for the purpose of locating or relocating and constructing State highways, and providing a method of acquiring the same.

Section 1. Be it enacted, &c., That the State Highway Commissioner be and hereby is authorized and empowered to acquire, as hereinafter provided, any abandoned right of way of railroad or railway companies, or part or parts thereof, for a public highway and a part of the State highway system; and to take over for the State Highway Department any such abandoned right of way, or any part or parts thereof, owned or controlled by any railroad or railway company, for the purpose of locating or relocating and constructing such as State highways.

Section 2. When it is desired to locate or relocate a State highway upon such abandoned right of way, or portion thereof, it shall be the duty of the State Highway Commissioner, for and in behalf of the Commonwealth, by amicable agreement, at a fair and reasonable price, which shall be approved by the Governor, to purchase said right of way, or part thereof, as may be necessary for the locating and constructing of said State highway, from the owner or owners thereof.

Section 3. In like manner the State Highway Commissioner shall purchase any right, title, or interest of any individuals or corporations in and to any part or portion of the lands forming any part of said right of way; and, if a fair and reasonable price, to be approved by the Governor, for such part interest in such lands cannot be agreed upon, it shall then be lawful for the State Highway Commissioner to secure any right, title, or interest of any individual or corporation in and to the land forming part of such right of way by condemnation proceedings, under the methods of procedure provided in the ninth section of the act of May thirty-first, one thousand nine hundred and eleven (Pamphlet Laws, four hundred and sixty-eight), and the amendments and supplements thereto.

Section 4. The amount agreed upon for the purchase of said right of way, or part thereof, as provided in section two; or for the right, title, and interest of any individual or corporation therein, or as determined by virtue of condemnation proceedings, as provided in section three hereof; shall be paid by the State Treasurer, upon warrant of the Auditor General, from funds appropriated to the said State Highway Department for the purposes of location, maintenance, and repairs of State highways, in accordance with the procedure for payment of moneys and damages by the State Highway Department, as set forth in said act of Assembly, approved May thirty-one, one thousand nine hundred eleven (Pamphlet Laws, four hundred sixty-eight), and amendments and supplements thereto.

Section 5. All acts or parts of acts inconsistent herewith are hereby repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 18, 1917.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, House bill No. 991, entitled "An act authorizing and empowering the State Highway Commissioner to take over abandoned rights of way, or any part or parts thereof, owned or controlled by railroad or railway companies, for the use of the State Highway Department, for the purpose of locating or relocating and constructing State highways, and providing a method of acquiring the same."

The purpose of this bill is to authorize the State Highway Department to take over abandoned rights of way of railroad companies and use the same as State highways. It also provides for the payment of damages to the corporation or individual in interest.

The bill is almost identical with the act of July 7, 1913 (P. L. 687). It opens the way to pay damages to other than the railroad company, and it dedicates the specific fund of the department from which payment is to be made. The present law is adequate and the added provisions of this bill are not elements of strength, but of weakness.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 42.

A SUPPLEMENT

To the act of April twenty-eighth, eighteen hundred ninety-nine, entitled "An act to provide for the classification of the townships of the Commonwealth, with respect to their population, into two classes, and to prescribe the form of government for townships of each class;" providing for the election of a township solicitor in townships of the first class, fixing his term of office, prescribing his duties and qualifications, and authorizing the board of township commissioners to fix his compensation.

Section 1. Be it enacted, &c., That the board of township commissioners of each township of the first class, on the first Monday of March, one thousand nine hundred and seventeen, or as soon thereafter as practicable, may elect, by the vote of a majority of the members, one person, who shall be an attorney at law, admitted and qualified to practice in courts of this Commonwealth, who shall be styled the township solicitor, and shall serve for a term of four years from the first Monday of March succeeding his election and until his successor shall be duly qualified. The board of township commissioners shall also fix the compensation that shall be allowed the solicitor for the said term. Vacancies in said office shall be filled by the board of township commissioners for the unexpired term.

Section 2. The law matters of the township shall be under the superintendence, direction, and control of the township solicitor, and no department of the township shall employ or retain an additional counsel in any matter or cause except with the previous assent and subsequent ratification of the board of township commissioners. He shall keep in his office, deposited and preserved, all patents, deeds, leases, mortgages, and other assurances to title, and all contracts, bonds, books, and other evidences of debt, belonging to the township, unless the board of township commissioners shall otherwise provide or direct.

Section 3. The township solicitor shall prepare all bonds, obligations, contracts, leases, conveyances, and assurances to which the township or any department thereof may be a party, as may be directed by resolution or ordinance; shall commence and prosecute all and every suit or suits, action or actions, brought by the township, for or on account of the estates, rights, trusts, privileges, claims, or demands of the same, as well as defend all actions or suits against the said township, or any officer thereof, wherein or whereby any of the estates, rights, privileges, trusts, or ordinances, or acts of the township, or any department thereof, may be brought in question before any court in this Commonwealth; and shall do all and every professional act incident to the office, which he may be lawfully authorized or required to do by the said township commissioners by resolution or ordinance. He shall, whenever required, furnish the board of township commissioners, the committees thereof, or the heads of departments with his opinion, in writing, upon any question of law which may be submitted by either of them in their official capacity.

Section 4. All acts or parts of acts inconsistent herewith be and the same are hereby repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 24, 1917.

To the Honorable, the Senate of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, Senate bill No. 171, entitled "A supplement to the act of April twenty-eight, eighteen hundred ninety-nine, entitled 'An act to provide for the classification of the townships of the Commonwealth, with respect to their population, into two classes, and to prescribe the form of government for townships of each class; providing for the election of a township solicitor in townships of the first class;' fixing his term of office, prescribing his duties and qualifications, and authorizing the board of township commissioners to fix his compensation."

This bill provides for the election of an attorney for a township of the first class for a period of four (4) years. The terms of the commissioners electing this attorney are for six (6) years, but one-third of the commissioners is elected every two years, and reorganization naturally follows election. This bill would entrench an attorney in power for double the period for which the board electing could sit intact. It is bad policy to lengthen the term of officers beyond the

term of the creating group, and is contrary to good government. A good attorney needs no such legislative entrenchment, and a poor one ought not to be allowed to serve at all.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 43.

AN ACT

Defining and regulating boxing and wrestling contests.

Section 1. Be it enacted, &c., That the term "contest" includes any contest, bout, match, or exhibition of boxing or sparring or wrestling.

Section 2. A State Athletic Commission is hereby established. The commission shall consist of three members, appointed by the Governor, for a term of four years from the first day of June next succeeding their appointment. A vacancy, from any cause, shall be filled by the Governor for the unexpired term. The Governor may, for cause, remove any member.

Section 3. The commission shall elect one of its members as chairman. It shall adopt a seal, and shall adopt rules for the administration of its duties. Such rules may be changed or abrogated at any time. Two members of the commission shall be a quorum for all purposes.

Section 4. The commission shall elect a secretary, who shall hold office during the pleasure of the commission. He shall receive an annual salary of eighteen hundred dollars, and shall perform such duties as may be imposed by the commission.

Section 5. The members of the commission shall receive an annual salary of twelve hundred dollars each. Each member and the secretary shall be allowed expenses actually and necessarily incurred by him, respectively, in the performance of his duties.

Section 6. The commission shall annually make to the Governor a written report of its proceedings during the year ending November first. The commission shall also report such other matters as the Governor may direct. It may report such recommendations as to it seem proper.

Section 7. The commission shall have sole jurisdiction over all contests. It is unlawful to conduct or participate in a contest unless the contest is conducted by a corporation licensed under the provisions of this act, and is conducted according to the rules of the commission and the provisions of this act.

Section 8. The commission may, in its discretion, issue, and may, at its pleasure, revoke, a license to conduct contests; licenses shall issue only upon written application, verified as to the statements therein by the chief officer and the secretary of the applicant. No application shall be considered by the commission unless the applicant is the owner of the premises where the contests are to be conducted, or holds a lease, of at least a year, for the premises. If

the applicant is an amateur athletic organization it must have been incorporated and organized in accordance with the rules of the Amateur Athletic Union of the United States. The application shall be accompanied by a certificate from the Auditor General, as hereinafter prescribed. Application shall be on blank forms prepared and furnished by the commission; and in addition to the foregoing requirements, shall contain such additional information as may be desired by the commission.

Section 9. Every applicant for a license shall file with the Auditor General a bond to the Commonwealth in the sum of five thousand dollars, conditioned for the faithful observance of the rules of the commission and of the provisions of this act, and for the payment of the tax imposed by this act. The surety thereon shall be two individuals, or one surety company authorized to act as surety in Pennsylvania. The surety shall be subject to the approval of the Auditor General. The form of bond shall be prepared by the Auditor General. Failure to observe the rules of the commission or the provisions of this act shall work a forfeiture of the bond, and the Attorney General shall, on request of the commission, proceed to recover and pay into the State Treasury the amount thereof. Upon approval of the bond, a certificate of the filing and acceptance thereof shall be furnished to the applicant by the Auditor General.

Section 10. The commission may at any time examine the books of any such licensed corporation, and may require it to furnish the commission a written report on any matters coming within the jurisdiction of the commission. The commission may hold hearings, which shall be public, and may by subpoena compel the attendance of persons and the production of books, papers, and other documents. It may cause its subpoena to be served anywhere in Pennsylvania. If a person subpoenaed refuses to appear and testify, or, if he appears, but refuses to testify, the commission may apply to the court of common pleas of the county where the delinquent resides. The court shall issue its subpoena requiring the attendance and testimony of the delinquent, as the commission shall desire. Failure to obey the subpoena of the court shall be contempt of court, punishable as contempt in open court is punishable. When the examination of any books or the hearing is to determine whether this act is being violated, the expense incidental thereto shall be paid by the licensed corporation.

Section 11. Within twenty-four hours after a contest is conducted the licensee shall report to the commission the whole number of tickets sold for the contest, and the amount of the gross receipts from the sale of tickets and from other sources incidental to and connected with the contest. The report shall also include such other matters as the commission may demand. The report shall be on blanks furnished by the commission, and shall be verified by the chief officer and the secretary of the licensee.

Section 12. At the same time the report, required in the foregoing section, is made, the licensee shall forward to the State Treasurer, as a tax, five per centum of the gross receipts mentioned in such section. Failure to pay the tax within five days after the contest is terminated shall work a forfeiture of the bond.

Section 13. No free or complimentary tickets, nor tickets at a discount, shall be issued for any contest, except under the rules of the commission.

Section 14. No person under the age of eighteen years shall participate in, or be a spectator of, a contest, nor shall any such person be permitted to participate in, or be a spectator of, a contest.

Section 15. It is unlawful to conduct or permit to be conducted, or to participate in, any fraudulent, sham, or collusive contest. The license of a corporation permitting such a contest shall be revoked, and the corporation shall not thereafter receive a license.

Section 16. If a person knowingly contests in a fraudulent, sham, or collusive contest he shall, for the first offense, be barred from participating for a period of six months in any contest. For the second offense, he shall be barred from admission to, or participating at any time thereafter in, a contest. This penalty shall be in addition to the penalty hereinafter imposed.

Section 17. No boxing contest shall be for more than ten rounds. The contestants shall wear gloves weighing at least six ounces.

Section 18. The building wherein contests are conducted shall be properly ventilated, and shall be amply protected against fire and other danger according to the laws of the Commonwealth and the ordinances of the city, borough, town, or township wherein the building is located. The commission may require a certificate of inspection in compliance with this section to be filed with the application for license.

Section 19. The violation of any of the provisions of this act is a misdemeanor. On conviction, in case of a corporation so offending, the bond of the corporation shall be forfeited. On conviction, in the case of a person, the offender shall be sentenced to pay a fine not exceeding five hundred dollars, or to undergo imprisonment not exceeding six months. This shall be in addition to any other penalty mentioned in this act.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 24, 1917.

To the Honorable, the Senate of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, Senate bill No. 203, entitled "An act defining and regulating boxing and wrestling contests."

This bill creates a State Athletic Commission of three members, each at a salary of \$1200, and they shall elect a secretary at \$1800, all of these to have, in addition to salary, expenses incurred in the performance of the duties designated in the bill. The bill is intended to place all boxing bouts and prize fights under the direction and sanction of this commission. That is to say, the State thus becomes sponsor for contests of this kind. No commission of this sort could preserve the State from the evils and scandal which have attended similar laws in other States. New York has, at the insistence of its Executive, repealed the act known as the Frawley bill, on the ground that under this act sparring exhibitions or prize

fighths have become a public disgrace. The Executive further states that "public decency requires its repeal, and I shall be satisfied with nothing else."

Red-blooded men in these days of national need can readily find, in patriotic channels, full opportunity to prove their prowess and to serve their country.

Decent boxing contests can now be carried on without violating the law. There is no defined reason why this sport should be singled out, taken up, and encouraged, and sponsored by the Commonwealth. Other sports need no such sanction, and I believe it would not be a wise procedure for this great Commonwealth to give official sanction to the purposes indicated in this bill. Public sentiment and the experience of other States alike call for disavowal of this bill.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 44.

AN ACT

To amend section five of an act, approved the seventh day of June, one thousand nine hundred and fifteen, entitled "An act to amend, revise and consolidate the law providing for the burial of certain honorably discharged soldiers, sailors, and marines, at the expense of the counties in which they shall die or have a legal residence at the time of their death; to provide a system for effecting the burial of such soldiers, sailors, and marines; to provide headstones and markers for the graves of such soldiers, sailors, and marines; and to authorize the county commissioners of the several counties to purchase plots of ground for the burial of such soldiers, sailors, and marines."

Section 1. Be it enacted, &c., That section five of an act, approved the seventh day of June, one thousand nine hundred and fifteen (Pamphlet Laws, eight hundred seventy), entitled "An act to amend, revise, and consolidate the law providing for the burial of certain honorably discharged soldiers, sailors, and marines, at the expense of the counties in which they shall die, or have a legal residence at the time of their death; to provide a system for effecting the burial of such soldiers, sailors, and marines; to provide headstones and markers for the graves of such soldiers, sailors, and marines; and to authorize the county commissioners of the several counties to purchase plots of ground for the burial of such soldiers, sailors, and marines," which reads as follows:—

"Section 5. It shall also be the duty of the county commissioners of each county in this State, upon the death of any soldier, sailor, or marine, who shall be buried within their counties under the provisions of this act, to cause a headstone to be placed at the head of the grave of each such deceased soldier, sailor, or marine, containing his name, and, if possible, the organization to which he belonged or in which he served, to be of such material and design as they may deem suitable; and the expense for the same shall be paid out of the funds of the county in which such soldier, sailor, or marine died, or shall have had his legal residence: Provided, however, That

the expense shall not exceed the sum of fifteen dollars for each headstone; and the county commissioners of each county, acting under this section, shall draw a warrant on the treasurer of their county for the payment of said expense, in favor of the party or parties furnishing such headstone," be, and the same is hereby, amended to read as follows:—

Section 5. It shall also be the duty of the county commissioners of each county in this State, upon the death of any soldier, sailor, or marine, who shall be buried within their counties under the provisions of this act, to cause a headstone to be placed at the head of the grave of each such deceased soldier, sailor, or marine, containing his name, and, if possible, the organization to which he belonged or in which he served; to be of such material and design as they may deem suitable; and the expense for the same shall be paid out of the funds of the county in which such soldier, sailor, or marine died, or shall have had his legal residence: Provided, however, That the expense shall not exceed the sum of twenty-five dollars for each headstone; and the county commissioners of each county, acting under this section, shall draw a warrant on the treasurer of their county for the payment of said expenses, in favor of the party or parties furnishing such headstone: And provided further, That the county commissioners are hereby authorized to pay to any relative or friends of such deceased soldier, sailor, or marine, a sum not exceeding twenty-five dollars for each headstone or monument erected by such relatives or friends; and the county commissioners of each county, acting under this section, shall draw a warrant on the treasurer of their county for the payment of said expense, in favor of the party or parties furnishing such headstone.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 24, 1917.

To the Honorable, the Senate of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, Senate bill No. 480, entitled "An act to amend section five of an act, approved the seventh day of June, one thousand nine hundred and fifteen, entitled 'An act to amend, revise, and consolidate the law providing for the burial of certain honorably discharged soldiers, sailors, and marines, at the expense of the counties in which they shall die or have a legal residence at the time of their death; to provide a system for effecting the burial of such soldiers, sailors, and marines; to provide headstones and markers for the graves of such soldiers, sailors, and marines; and to authorize the county commissioners of the several counties to purchase plots of ground for the burial of such soldiers, sailors, and marines.'"

This bill increases the amount which county commissioners may pay for headstones over the graves of honorably discharged soldiers from \$15 to \$25.

It further requires the county commissioners to pay to the relatives or friends of any deceased soldier's, \$25 for each headstone or monument erected by such relatives or friends. This latter provision carries the law affecting such cases far beyond the original intent.

The grave of every honorably discharged soldier should be decently and suitably marked, and, when necessary, the county commissioners should pay for the same. The increase in such cases is not in any way objected to. But when the law compels the county commissioners to pay \$25 to the relatives or friends of every deceased soldier for each monument or headstone they may erect it is placing a stigma of poverty upon the worthy dead that they do not merit, and it is reimbursing people who ought not to ask the county to pay for a memorial which they set up. It may well be that a soldier, dying possessed of vast wealth, would have a great memorial erected to his memory. Why should the county pay \$25, or any like sum, to the family to reimburse them in part for a service which, in sacred memory, they should be willing wholly to perform? The bill carries relief too far.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 45.

AN ACT

Validating divorces granted on the ground of the hopeless insanity of the respondent, under the provisions of an act, approved the eighteenth day of April, nineteen hundred and five, entitled "An act to amend section eight of the act, approved the thirteenth day of April, eighteen hundred and forty-three, entitled 'An act to convey certain real estate, and for other purposes,' so as to extend its provisions to the husband or wife of a lunatic or non compos mentis, and to further regulate the procedure in action for divorce."

Section 1. Be it enacted, &c., That in all cases where divorces have been heretofore granted by the courts of common pleas, under the provisions of an act, approved the eighteenth day of April, Anno Domini nineteen hundred and five, entitled "An act to amend section eight of the act, approved the thirteenth day of April, eighteen hundred and forty-three, entitled 'An act to convey certain real estate, and for other purposes,' so as to extend its provisions to the husband or wife of a lunatic or non compos mentis, and to further regulate the procedure in action for divorce," on the ground of hopeless insanity, in which the libellant therein complied with all of the provisions of said act, that the said divorce shall be legal and valid and binding upon the parties thereto.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 24, 1917.

To the Honorable, the Senate of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, Senate bill No. 789, entitled "An act validating divorces granted on the ground of the hopeless insanity of the respondent, under the provisions of an act, approved the eighteenth day of April, nineteen hundred and

five, entitled 'An act to amend section eight of the act, approved the thirteenth day of April, eighteen hundred and forty-three, entitled 'An act to convey certain real estate, and for other purposes,' so as to extend its provisions to the husband or wife of a lunatic or non compos mentis, and to further regulate the procedure in action for divorce.'"

This bill attempts to validate divorces granted on the ground of hopeless insanity, under the act of April 18, 1905 (P. L. 211). The act of 1905 does not make "hopeless insanity" a ground for divorce. It merely provides for service of a libel of divorce on a hopelessly insane respondent who has given cause for divorce on existing grounds.

A divorce granted on the ground of hopeless insanity is a nullity, and this bill, if approved, could not help such divorce.

The marriage relation is a contract and also a property right. This bill violates Article I, Section 9 and Article I, Section 17 of the Constitution of Pennsylvania, and also Article XIV, Section 1 of the Constitution of the United States.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 46.

AN ACT

To ascertain and fix the fees to be received by the several clerks of the courts of over and terminer, general jail delivery, and quarter sessions of the peace of this Commonwealth, in counties having a population of over one million five hundred thousand.

Section 1. Be it enacted, &c., That from and after passage of this act, the fees to be paid to, and received and charged by, the several clerks of the courts of over and terminer and general jail delivery and quarter sessions of the peace of this Commonwealth, shall be as follows:—

Appeals from aldermen, justices of the peace, or magistrates, one dollar and fifty cents.

Affidavits and seal, each, twenty-five cents.

Attachment and seal, two dollars.

Administering oath, other than upon trial of cause, and seal, fifty cents.

Bail-piece, one dollar and fifty cents.

Bail-bond, one dollar.

Bail-bond, justification of, one dollar .

Bail notices, each fifteen cents.

Bench-warrant and seal, two dollars.

Bonds for constables and tax collectors, one dollar.

Commitment to any State penitentiary, fifty cents.

Commitment to county prison, fifty cents.

Commitment to house of refuge, fifty cents.

Commitment to insane hospital, fifty cents.

- Certificate of election of constables, et cetera, one dollar.
- Certificate and seal, fifty cents.
- Certificate of acknowledgment and seal, fifty cents.
- Certificate for Fairmount Park Commissioners, in duplicate, two dollars.
- Certificate of city treasurer, one dollar and twenty-five cents.
- Certificate for payment of jurors, fifty cents.
- Certificate for payment of road jurors, fifty cents.
- Certificate to sheriff to draw jurors, two dollars.
- Certificate to sheriff to draw grand jurors, two dollars.
- Certificate to sheriff to draw special venire and return thereto, five dollars.
- Certificate of official capacity, under seal, one dollar.
- Certificate to police department upon return of stolen property, each, twenty-five cents.
- Certificate where judge acts as committing magistrate; affidavits, warrants, and service, three dollars and fifty cents.
- Certificate and seal of ignored bill, seventy-five cents.
- Certificates and seal in breach of peace, seventy-five cents.
- Certificate and seal in apprentices, seventy-five cents.
- Certificate and seal in reconsideration of sentence, seventy-five cents.
- Certificate to Bureau of Charities and Correction, of court order of nonsupport and seal, one dollar.
- Certificate of probation, one dollar.
- Certificate to Director of Public Safety, upon application for detective license, one dollar.
- Certificate to county commissioners of elective election officers, each name, twenty-five cents.
- Certificate to county commissioners, witness fees and seal, each, twenty-five cents.
- Commission on lunacy, swearing commission, filing and recording, three dollars and fifty cents.
- Commission on lunacy, swearing commission, filing and recording paupers' petition, three dollars and fifty cents.
- Certified copy bill of indictment, not exceeding two (2) pages, two dollars.
- Each additional page, fifty cents.
- Certified copy of record docket-entry, not exceeding one (1) page, one dollar.
- Each additional page, fifty cents.
- Certified copy docket-entry in road cases, not exceeding one (1) page, one dollar.
- Each additional page, fifty cents.
- Certified copy notes of testimony, charge of court, and all other papers filed in any case, per page, twenty cents.
- Citation and seal, one dollar.
- Constable's return on liquor licenses, and seal, one dollar and fifty cents.
- Dog register, and seal, one dollar and fifty cents.
- Declaration to become a citizen, and seal, one dollar.
- Discharge on ignored bill, and seal, seventy-five cents.
- Discharge on bail entered, seventy-five cents.

Discharge of prisoner from dock, seventy-five cents.

Exemplification of record bill of indictment, not exceeding two (2) pages, two dollars.

Each additional page, fifty cents.

Exemplification of record docket-entry, not exceeding one (1) page, one dollar.

Each additional page, fifty cents.

Exemplification of certificate and seals, one dollar and twenty-five cents.

Entering satisfaction of judgment, fifty cents.

Entering judgment on bond or recognizance, upon confession, for want of affidavit of defense, or upon verdict or demurrer, one dollar and twenty-five cents.

Entering judgment on bond or recognizance, upon motion, for want of a sufficient affidavit of defense, two dollars.

Entering revival of judgment by agreement, one dollar and twenty-five cents.

Filing and entering motion and reason for new trial, seventy-five cents.

Filing and entering motion in arrest of judgment, seventy-five cents.

Filing and entering reconsideration of sentence, seventy-five cents.

Filing and entering bond or recognizance from magistrate, seventy-five cents.

Filing and entering expense account of candidate for nomination and election to public office, under fifty dollars (\$50), one dollar.

Filing and entering expense account of candidate for nomination and election to public office, over fifty dollars (\$50), two dollars.

Filing and entering expense account of ward and county committees, three dollars.

Filing and entering magistrate's return, seventy-five cents.

Filing and entering coroner's return, each, seventy-five cents.

Filing and entering petitions for appointment of auditors or examiners, et cetera, one dollar.

Filing and entering auditor's or examiner's reports, per page, twenty cents.

Filing and entering petitions and papers not otherwise provided for, first page, fifty cents.

Each additional page, twenty cents.

Filing petition for change of polling-place, two dollars.

Filing and entering of plea, autrefois convict, fifty cents.

Filing and entering plea, autrefois acquit, fifty cents.

Filing and entering plea of nolo contendere, fifty cents.

Filing and entering nolle prosequi, ten dollars.

Filing and entering docket entries, true bill, three dollars.

Filing and entering docket entries, ignored bill, two dollars.

Filing and entering opinion of court of common pleas, Superior Court, or Supreme Court, one dollar.

Filing and entering opinion of court of oyer and terminer or quarter sessions, one dollar.

Filing and entering certiorari or appeal to Superior or Supreme Court, three dollars.

Filing and entering remittitur from Superior or Supreme Court, two dollars.

Filing and entering motions, orders, appeals, or decrees to or from courts not herein provided for, two dollars.

Filing and entering bill of exceptions, three dollars.

Filing and entering certificate from city controller, upon loan bill, five dollars.

Filing and entering return of election upon the question of increase of indebtedness, for each return, twenty-five cents.

Filing and entering certified copy of ordinance of councils, upon loan bill, three dollars.

Filing and entering answer to writ of habeas corpus, fifty cents.

Filing and entering answer to warrant of seizure, fifty cents.

Filing and entering answer to rules in nonsupport cases, fifty cents.

Filing and entering traverse, fifty cents.

Filing and entering rule for bill of particulars, fifty cents.

Filing and entering bill of particulars, fifty cents.

Filing and entering exceptions to bill of particulars, fifty cents.

Filing petition for division of election districts, townships, boroughs, wards, et cetera, two dollars.

Filing report on same, one dollar.

Annexation and incorporation of each, two dollars.

Recording proceedings on above, each one hundred words, fifty cents.

Filing bond and justification, upon pedlers', junk dealers', and itinerant venders' licenses, two dollars and fifty cents.

Filing and issuing summons or recognizance, seventy-five cents.

Filing and entering appearance upon suit on recognizance, fifty cents.

Filing and entering affidavit of defense, seventy-five cents.

Filing, and indexing in card index, record of commitment to any State penitentiary, each, twenty-five cents.

Filing plans in road cases, one dollar.

Filing order of satisfaction in road cases, twenty-five cents.

Filing appeals in road cases, seventy-five cents.

Filing and entering reports in road cases, five dollars.

Filing motion to quash indictment, fifty cents.

Filing and entering pleas not otherwise provided for, each defendant, twenty-five cents.

Filing and issuing fieri facias sur debt, seventy-five cents.

Indexing judgments, fines, et cetera, on judgment index, each, twenty-five cents.

Joinder in issue, each defendant, twenty-five cents.

Jury fee, in each case, four dollars.

Jurors, defaulting, issuing notices to, one dollar and fifty cents.

Liquor license, filing application for affidavit, and seal, five dollars and fifty cents.

Liquor license, filing interrogatories in application for, and seal, fifty cents.

Liquor license, filing bond, justification of bond, certificate to city treasurer, receipt of city treasurer, constable's fees, certificate, and seal, frame and glass, six dollars and seventy-five cents.

Liquor license, transfer of, filing and justification of bond, constable's fee, et cetera, five dollars and fifty cents.

- Liquor license, filing petition for revocation of, one dollar.
- Monthly return to State Board of Charities, to be paid by county, five dollars.
- Mandamus and seal, four dollars and twenty-five cents.
- Motions and rules, not otherwise herein provided for, each, fifty cents.
- Naturalization certificate, duplicate copy of, each, two dollars and twenty-five cents.
- Naturalization certificate, issuing of, four dollars.
- Nonsupport cases, record of, three dollars.
- Nonsupport cases, all services not otherwise provided for, two dollars.
- Order of court in nonsupport cases, and seal, fifty cents.
- Order of court in juvenile cases, and seal, fifty cents.
- Petition and order for a view or review of a road, street, or bridge case, filing report, recording, et cetera, fifteen dollars.
- Petition, filing of and docketing, habitual drunkard proceedings, and court orders thereon, two dollars.
- Petition, filing of, feeble-minded person, one dollar.
- Petition, filing of, insane person, one dollar.
- Petition, filing of, insane criminal, one dollar.
- Petition, filing, for writ of habeas corpus, two dollars.
- Release from any institution by order of court, fifty cents.
- Recognizance, calling and entering forfeiture of, fifty cents.
- Recognizance, remitting or discharging, and motion therefor, fifty cents.
- Recognizance, taking, each, one dollar.
- Return to writ of error or certiorari, one dollar.
- Receiving and entering constable's return, fifty cents.
- Record of paper filed, for every ten words, five cents.
- Recording election returns, for each election district, except upon increase of indebtedness, two dollars and fifty cents.
- Recording court orders on petitions, each, fifty cents.
- Recording bonded indebtedness issues, each one hundred words, fifty cents.
- Road viewers, filing and entering report of, five dollars.
- Search, judgment, single name, forty cents.
- Search, judgment, extra names, each, twenty cents.
- Subpoena and seal, twenty-five cents.
- Service of clerk where true bill is found in cases of felony, four dollars.
- Services of clerk where bill is returned ignoramus, two dollars.
- Services of clerk where true bill is found, in all other cases, three dollars.
- Scire facias, sur bond, three dollars.
- Scire facias, to revive judgment, seventy-five cents.
- Summons on recognizance, issuing and entering of, seventy five cents.
- Seizure, warrant of proceedings thereon, one dollar.
- Seal in every case not otherwise provided for, twenty-five cents.
- Supreme court, appeals to, one dollar and fifty cents.
- Supreme court, on warrant of seizure, one dollar and fifty cents.
- Supreme court, return to writ of error, one dollar.

Superior court, entering appeals to, one dollar and fifty cents.

Superior court, on warrant of seizure, one dollar and fifty cents.

Superior court, return to writ of error, one dollar.

Swearing grand jury, two dollars.

Swearing petit jury, in each case, one dollar.

Transcript of judgment, from document to judgment index, filing and entering of each, twenty-five cents.

Taxing bill of costs, one dollar.

Venire for grand jury, one dollar.

Venire to draw special jury, two dollars and fifty cents.

Venire for petit jury, one dollar.

Venditioni exponas, issuing writ of, seventy-five cents.

Withdrawal of pleas entered, each, twenty-five cents.

The fee for services not herein specially provided for shall be the same as for similar service in other cases: Provided, however, That the provision of this act shall not apply to counties having a population of less than one million five hundred thousand, as computed by the last preceding United States census.

Section 2. All fees for services performed for the county shall be charged against the county; and in all cases where services are rendered for an individual or corporation, the proper fee shall be received and collected from that person, or persons, or corporation for whom the services are rendered.

Section 3. All laws or parts of laws, general, local, and special, inconsistent with this act, are hereby repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 24, 1917.

To the Honorable, the Senate of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, Senate bill No. 797, entitled "An act to ascertain and fix the fees to be received by the several clerks of the courts of oyer and terminer, general jail delivery, and quarter sessions of the peace of this Commonwealth, in counties having a population of over one million five hundred thousand."

This bill increases in many cases, decreases in none, the fees paid to the clerks of the several courts of oyer and terminer, etc., in counties of over 1,500,000 population. It also adds items for the charging of fees not now provided by law. The effect would be to increase in a very substantial way the cost to those acknowledgments. Since the salaries of these clerks is fixed by the court, and cannot exceed the amount received in fees, it is manifest that the purpose is to increase these salaries. But there is no reason given for such increase. No one has asked for such increase. Nor does it appear that these salaries may not, by the normal increase of business before the courts, be adequate to the service rendered.

To avoid the increased cost of such services as by law these officials perform seems to me to be in the interest of the people. Legal business must be sought by all people. Its cost should not be a burden, nor should it be increased without good reasons.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 47.

AN ACT

Amending an act, approved the twelfth day of July, Anno Domini one thousand nine hundred and thirteen, entitled "An act establishing a court for the county of Philadelphia; prescribing its jurisdiction and powers; providing for the service of its writs, process, or warrants by the proper officers of the county or city of Philadelphia; regulating the procedure therein, and appeals therefrom, and providing for the expenses thereof," by increasing the amount of salary to be paid to the judges of the Municipal Court of Philadelphia.

Section 1. Bt it enacted, &c., That section two of an act, approved the twelfth day of July, Anno Domini one thousand nine hundred and thirteen, entitled "An act establishing a court for the county of Philadelphia; prescribing its jurisdiction and powers; providing for the service of its writs, process, or warrants by the proper officers of the county or city of Philadelphia; regulating the procedure therein, and appeals therefrom, and providing for the expenses thereof," which reads as follows:—

"Section 2. The judges of said court shall be learned in the law, and shall be elected by the duly qualified electors of said county, for terms of ten years, if they so long behave themselves well.

"The president judge shall receive a salary of six thousand five hundred (\$6,500.00) dollars per annum, and the associate judges shall receive salaries of six thousand dollars, payable by the State in the same manner that the salaries of the judges of the courts of common pleas are paid. The term of office of the judges of the court shall begin on the first Monday of January following their election.

"The first judges of the said court shall be elected at the general election held in November, one thousand nine hundred and thirteen.

"In the event of a vacancy in the office of judge, or when by reason of a new United States census more judges are to be chosen, the Governor shall appoint judges to hold office until such time as their successors shall be elected as provided by the Constitution of the State in such case, and their successors shall be elected to the full term of ten years.

"The Governor, upon the first election of judges as aforesaid, shall designate one of their number to be president judge; and shall, after the election aforesaid, and from time to time when a vacancy occurs in the office of president judge either by expiration of his term or for other reason, designate one of the judges to be president judge.

"It shall be unlawful for any judge of the said court to practice law during his continuance in office," is hereby amended to read as follows:—

Section 2. The judges of said court shall be learned in the law, and shall be elected by the duly qualified electors of said county, for terms of ten years, if they so long behave themselves well.

The president judge shall receive a salary of nine thousand (\$9,000.00) dollars per annum, and the associate judges shall receive salaries of eight thousand (\$8,000.00) dollars per annum, payable by the State in the same manner that the salaries of the judges of the

courts of common pleas are paid. The term of office of the judges of the court shall begin on the first Monday of January following their election.

The first judges of the said court shall be elected at the general election held in November, one thousand nine hundred and thirteen.

In the event of a vacancy in the office of judge, or when by reason of a new United States census more judges are to be chosen, the Governor shall appoint judges to hold office until such time as their successors shall be elected as provided by the Constitution of the State in such case, and their successors shall be elected to the full term of ten years.

The Governor, upon the first election of judges as aforesaid, shall designate one of their number to be president judge; and shall, after the election aforesaid, and from time to time when a vacancy occurs in the office of president judge either by expiration of his term or for other reasons, designate one of the judges to be president judge.

It shall be unlawful for any judge of the said court to practice law during his continuance in office.

Section 2. All acts and parts of acts inconsistent herewith are hereby repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 24, 1917.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, House bill No. 40, entitled "An act amending an act, approved the twelfth day of July, Anno Domini one thousand nine hundred and thirteen, entitled 'An act establishing a court for the county of Philadelphia; prescribing its jurisdiction and powers; providing for the service of its writs, process, or warrants by the proper officers of the county or city of Philadelphia; regulating the procedure therein, and appeals therefrom, and providing for the expenses thereof,' by increasing the amount of salary to be paid to the judges of the Municipal Court of Philadelphia."

This bill provides for an increase in the salaries of the judges of the Municipal Court of Philadelphia from \$6,000 to \$8,000, and of the president judge from \$6,500 to \$9,000.

This court is substantially in scope the same as the County Court in Allegheny County, whose judges are not included in the proposed increase. This bill, if approved, would give the judges of this court a larger salary than that paid to the judges of the courts of common pleas in all counties save Philadelphia, Allegheny and Dauphin. Having in mind the financial condition of the State, whose treasury pays these salaries, and the fact that the salaries of one group must be adjusted to the salaries of other groups equally important in service, it is my conviction that this bill should not be approved.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 48.

AN ACT

Fixing the fees of the recorder of deeds in counties containing a population of not less than two hundred thousand, nor more than five hundred thousand, inhabitants.

Section 1. Be it enacted, &c., That the fees of the recorder of deeds in counties containing a population of not less than two hundred thousand, nor more than five hundred thousand, shall be as follows:—

For recording and exemplifying deeds, mortgages, and other writings, for every six words, one cent. The minimum rate for recording same shall be two dollars.

For indexing deeds, mortgages, and other writings, with more than four names, ten cents extra for each additional name.

For abstracting first description or parcel of land, fifteen cents; for each additional description or parcel, ten cents extra.

For entering satisfaction, thirty cents.

For taking acknowledgments, for each person, twenty-five cents.

For certifying deeds, mortgages, assignments, and satisfaction of record to county commissioners, twenty-five cents.

Section 2. All fees shall include any State tax now provided for by law, and shall be payable in advance.

Section 3. All acts or parts of acts inconsistent herewith are hereby repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 24, 1917.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, House bill No. 418, entitled "An act fixing the fees of the recorder of deeds in counties containing a population of not less than two hundred thousand, nor more than five hundred thousand, inhabitants."

This bill increases the fees of recorders of deeds in counties containing a population of not less than 200,000, nor more than 500,000. The principal change is the raising of the cost of copying from eight words for one cent to six words for one cent. In the aggregate this is a very considerable increased tax upon the people of these counties. It does not appear, by any line of reason known to me, why, in counties of the above defined population, the recorder should be paid more to perform a legal service than is paid in counties of less or more population.

There is not one reason assigned for this increase. There are many protests against it on the ground that the present price is adequate if competent clerks, and not merely persons with political claims, are given this work to do. The people have a right to pay a fair price, but not an excessive or discriminating one, for a public service.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 49.

AN ACT

Requiring the erection of detour signs by the authorities by whose direction any public highway may be closed, and providing penalties for failure to comply with the provisions of this act.

Section 1. Be it enacted, &c., That whenever any portion of any public highway in the Commonwealth shall be closed for the purpose of construction or repair, the authorities by whose order such highway is closed shall simultaneously with the closing thereof cause to be conspicuously posted signs plainly indicating the roads to be followed by travelers, to enable them to reach the same highway beyond the closed portion thereof.

Section 2. Any person or persons failing to comply with the provisions of this act shall, upon conviction before any magistrate or justice of the peace, be subject to a fine or penalty of not less than five dollars nor more than twenty-five dollars, together with the costs of the prosecution; or, in case of nonpayment of the same, to undergo an imprisonment not exceeding five days.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 24, 1917.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, House bill No. 820, entitled "An act requiring the erection of detour signs by the authorities by whose direction any public highway may be closed, and providing penalties for failure to comply with the provisions of this act."

This bill provides that the authorities, by whose order any public highway is closed for construction and repairs, post conspicuously signs plainly indicating the detour roads to be followed in order to reach the same highway beyond the closed portion thereof. This is proper, and is usually done. The State Highway Department is definitely directed so to do. Local road authorities should likewise do so, and usually do. The bill on this score is commendable, but it adds that failure so to do shall, on conviction before a magistrate, result in a fine of not less than \$5, nor more than \$25, and costs, or, in case of nonpayment, imprisonment. If it were a State highway what authority would be subject to fine? The foreman? The district engineer? The chief engineer, or the commissioner? All are parties in interest. The bill is drastic beyond the necessities of the case, and indefinite as to responsibility.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 50.

AN ACT

To amend part of section two of an act, approved the fifth day of March, one thousand seven hundred and ninety-one, entitled "An act to enable the Governor to appoint notaries public, and for other purposes therein mentioned."

Section 1. Be it enacted, &c., That so much of section two of an act, approved the fifth day of March, one thousand seven hundred and ninety-one (three Smith's Laws, Pamphlet Laws, six), entitled "An act to enable the Governor to appoint notaries public, and for other purposes therein mentioned," which reads as follows:—

"Section 2. The Governor shall appoint and commission a competent number of persons of known good character, integrity, and abilities, as notaries public for the Commonwealth of Pennsylvania, to reside within such place or places within this State as the Governor shall in and by the respective commissions direct: Provided, That no person shall be commissioned as a notary who shall not have resided within this Commonwealth two years next previous to his appointment," is amended to read as follows:—

Section 2. The Governor shall appoint and commission a competent number of persons, of known good character, integrity, and abilities, as notaries public for the Commonwealth of Pennsylvania, to reside within such place or places within this State as the Governor shall in and by the respective commissions direct: Provided, That no person shall be commissioned as a notary who shall not have resided within this Commonwealth one year, and shall not have been a citizen of the United States two years next previous to his appointment.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 24, 1917.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, House bill No. 1001, entitled "An act to amend section two of an act, approved the fifth day of March, one thousand seven hundred and ninety-one, entitled 'An act to enable the Governor to appoint notaries public, and for other purposes therein mentioned.'"

The purpose of this bill is to amend section 2 of act of March 5, 1791 (3 Purdon's, 3323), in this respect: it reduces the residence period prior to appointment of a notary public from two years to one year, and residence in the United States for five years. It is not necessary to let down the bars in this way. The two years' residence in this Commonwealth is not unreasonable. There seems to be no good purpose to be accomplished, and the discretion of the Governor is now quite evident. He could, if so minded, refuse to commission any one not a resident for two or more years.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 51.

AN ACT

To refund to Friedman Manufacturing Company, of Pittsburgh, Allegheny County, money paid for a license to sell oleomargarine.

Section 1. Be it enacted, &c., That the sum of two hundred and fifty dollars (\$250) is hereby specifically appropriated to refund to the Friedman Manufacturing Company, of Pittsburgh, Allegheny County, Pennsylvania, the money paid for a license to sell oleomargarine, which said license was never used. Said amount shall be paid on warrant of the Auditor General, on due proof that such moneys were, as aforesaid, erroneously and actually paid into the State Treasury.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 29, 1917.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, House bill No. 768, entitled "An act to refund to Friedman Manufacturing Company, of Pittsburgh, Allegheny County, money paid for a license to sell oleomargarine."

This bill refunds \$250 paid by a certain company for a license to sell oleomargarine. It is claimed that this license was not used, but there is no evidence to support this contention. There is nothing in the bill to show that the company were misled by any State official, nor did they pay this money under compulsion. The mistake, if any, was the company's own voluntary act, presumably in full knowledge of the law governing in such cases. Under these circumstances the repayment is forbidden by Article 3, Section 7 of the Constitution. Moneys legally paid into the Treasury cannot be refunded.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 52.

AN ACT

Authorizing the judges of the separate orphans' court, in counties having a population of over eight hundred thousand, and less than one million five hundred thousand, inhabitants, to fix and determine the salaries of assistant clerks in said court.

Section 1. Be it enacted, &c., That in all counties of this Commonwealth having a population of over eight hundred thousand, and less than one million five hundred thousand, inhabitants, as computed by the last preceding United States census, wherein a separate orphans' court is or may be established, the judges of the said court are hereby authorized to fix the salaries of the assistant clerks of said court.

Section 2. All salaries as so fixed by the judges of said orphans' court shall be paid out of the fees of said office, as paid into the treasury of the county upon bills attested by the register of wills and countersigned by a judge of said court; but, in the event that the fees received in said office of register of wills be not sufficient to fully pay the register and his assistants, then payment shall be made in full to the said register of wills, but, to his assistants, in manner as follows, namely, where there are more than one assistant,—then the balance of fees remaining to the credit of said office of register of wills shall be divided among each of said assistants, in proportion as his salary shall stand to the whole.

Section 3. All acts or parts of acts, general, special, or local, inconsistent herewith, are hereby repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 29, 1917.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, House bill No. 1154, entitled "An act authorizing the judges of the separate orphans' court, in counties having a population of over eight hundred thousand, and less than one million five hundred thousand, inhabitants, to fix and determine the salaries of assistant clerks in said court."

This bill authorizes the judges of the separate orphans' courts, in counties of a population between 800,000 and 1,500,000, to fix the salaries of assistant clerks in such courts.

If such power is to be given to orphans' courts it should be uniform throughout the Commonwealth. This bill, in its restrictive clause, violates Section 26, Article V of the Constitution. Classification of courts on the basis of population is of very doubtful propriety. This special legislation is unnecessary for the reason that in the county delineated there is a salary board before whom all officials may appear and present reasons for salary adjustments. This board is the taxing board of the county directly responsible to the people, and, as in the case of the County Court bill, it is held that this salary board, upon whom rests the duty of fixing the tax rate, should also fix the salaries.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 53.

AN ACT

Making an appropriation to refund certain moneys to the estate of the late Joseph P. Kennedy.

Section 1. Be it enacted, &c., That the sum of five hundred dollars, or so much thereof as may be necessary, is hereby specifically appropriated for the purpose of refunding to the estate of Joseph P.

Kennedy, deceased, former State Senator from the second senatorial district, who was a member of the State Senate during the special session of the General Assembly held from June seventh to December sixth, in the year one thousand eight hundred eighty-three, the amount due from the Commonwealth as compensation for such special session, which said amount was not paid to the said Joseph P. Kennedy, or not received by him, for said session, and is still due and owing by the Commonwealth.

Payment of the amount due the estate of said Joseph P. Kennedy shall be on warrant of the Auditor General upon production of satisfactory proof to him that compensation was not paid to the said Joseph P. Kennedy or was not received and that it is still owing by the Commonwealth.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 29, 1917.

To the Honorable, the Senate of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, Senate bill No. 774, entitled "An act making an appropriation to refund certain moneys to the estate of the late Joseph P. Kennedy."

This bill purports to refund to the estate of Joseph P. Kennedy, a former State Senator, the sum of five hundred (\$500) dollars as compensation for attendance upon a special session of the Assembly held in 1883. The claim is ancient. No reason is given for this long delay. No assurance is given that he attended this extra session. The title provides for a refund, and the body of the bill provides not for a refund but for a payment. The fact is that there is no refund involved. It is a claim made after a third of a century, and is not supported by sufficient evidence to warrant its recognition. This claim should have been attended to long, long ago, and this delay does not add to the credibility of the obligation.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 54.

A SUPPLEMENT

To the second section of an act, entitled "A supplement to the twenty-fourth section of an act, entitled 'An act to provide revenue by taxation, approved the seventh day of June, one thousand eight hundred and seventy-nine,' approved the first day of June, one thousand eight hundred and eighty-nine, amending the twenty-fourth section, by providing for the payment by the State Treasurer of one-half of the two per centum tax on premiums paid by foreign fire insurance companies to the treasurers of the several cities and boroughs within this Commonwealth," approved the twenty-eighth day of June, one thousand eight hundred and ninety-five; amending the same to provide for the payment of the net proceeds of the entire two per centum tax for the purpose indicated in the original act and supplement, including townships, among the distributees, and providing for certain conditions upon said distributions.

Section 1. Be it enacted, &c., That section two of the act of June twenty-eighth, one thousand eight hundred and ninety-five,

entitled "A supplement to the twenty-fourth section of an act, entitled 'An act to provide revenue by taxation, approved the seventh day of June, one thousand eight hundred and seventy-nine,' approved the first day of June, one thousand eight hundred and eighty-nine, amending the twenty-fourth section, by providing for the payment by the State Treasurer of one-half of the two per centum tax on premiums paid by foreign fire insurance companies to the treasurers of the several cities and boroughs within this Commonwealth," which reads as follows:—

"Section 2. On and after the first day of January, one thousand eight hundred and ninety-six, and annually thereafter, there shall be paid by the State Treasurer, to the treasurers of the several cities and boroughs within the Commonwealth, one-half of the net amount received from the two per centum tax paid upon premiums by foreign fire insurance companies. The amount to be paid to each of the treasurers of the several cities and boroughs shall be based upon the return of the said two per centum tax upon premiums received from foreign fire insurance companies doing business within the said cities and boroughs, as shown by the Insurance Commissioner's report. Warrants for the above purposes shall be drawn by the Auditor General, payable to the treasurers of the several cities and boroughs, in accordance with this act, whenever there are sufficient funds in the State Treasury to pay the same," be amended to read as follows:—

Section 2. On and after the first day of January, one thousand nine hundred and seventeen, and annually thereafter, there shall be paid by the State Treasurer, to the treasurers of the several cities, townships, and boroughs within the Commonwealth, the entire net amount received from the two per centum tax paid upon premiums by foreign fire insurance companies. The amount to be paid to each of the treasurers of the several cities, townships, and boroughs shall be based upon the return of said two per centum tax upon premiums received from foreign fire insurance companies doing business within the said cities, townships, and boroughs, as shown by the Insurance Commissioner's report. Warrants for the above purposes shall be drawn by the Auditor General, payable to the treasurers of the several cities, townships, and boroughs, in accordance with this act, whenever there are sufficient funds in the State Treasury to pay the same.

Section 3. Be it further enacted, That, from and after the passing of this act, the Auditor General is hereby authorized to withhold payment of the amount appropriated to any city, township, or borough, as herein provided, wherein there exists a duly organized firemen's relief association in conjunction with the regular approved fire department, or fire-company or fire-companies, of said city, township, or borough, unless it shall appear that the said city, township, or borough, has appropriated a sum equal to the amount disbursed under an act approved the seventh day of June, one thousand eight hundred and seventy-nine, and the supplement thereto, prior to this amendment, for the preceding fiscal year, for the uses and purposes of the relief fund of said fire department or fire-company or fire-companies in said city, township, or borough; and thereafter, during each succeeding year, an amount equivalent to the net amount payable to said city, township, or borough under section one of this act.

Section 4. If any provision of this act shall be held by any court to be unconstitutional, such judgment shall not affect any other section or provision.

Section 5. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, May 31, 1917.

To the Honorable, the Senate of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, Senate bill No. 69, entitled "A supplement to the second section of an act, entitled 'A supplement to the twenty-fourth section of an act, entitled 'An act to provide revenue by taxation, approved the seventh day of June, one thousand eight hundred and seventy-nine,' approved the first day of June, one thousand eight hundred and eighty-nine, amending the twenty-fourth section by providing for the payment by the State Treasurer of one-half of the two per centum tax on premiums paid by foreign fire insurance companies to the treasurers of the several cities and boroughs within this Commonwealth,' approved the twenty-eighth day of June, one thousand eight hundred and ninety-five; amending the same to provide for the payment of the net proceeds of the entire two per centum tax for the purpose indicated in the original act and supplement, including townships, among the distributees, and providing for certain conditions upon said distributions."

This bill provides for payment of the entire sum realized by the State from taxes upon premiums of foreign fire insurance companies to the several cities, boroughs, and townships in which the same is collected. Under existing law one-half of this sum is paid to these municipalities. The other half, approximating \$200,000 per year, is by act of May 14, 1915 (P. L. 524), set aside and dedicated for the State Insurance Fund. The passage in 1915 of this act, creating a State Insurance Fund, was then and is now regarded as one of the most important and economic measures of State administration enacted in recent years. At that time the Commonwealth was paying to insurance companies in premiums annually hundreds of thousands of dollars. Under the act twenty per centum of this insurance is taken over into the State fund annually until in 1920 all property of the State will be insured in its own fund. It is the income from the tax on foreign fire insurance companies that provides the funds to make this saving possible. The law is mandatory and it would be the height of folly to compel the State to carry its insurance and at the same time remove from its treasury the fund dedicated to this service. This bill is, therefore, a direct attack upon the State Insurance Fund. Due notice of this fact was conveyed to the responsible representatives in the Assembly and they were urged, in case they wished to dedicate all this income from foreign fire insurance companies to the firemen's relief organizations throughout the State to make other fiscal provision to carry out the law's mandate in the matter of the insurance of its own property from the fund. Such provision was not made.

The responsibility for the situation thus created does not rest upon the Executive. The president of the State Firemen's Association at a public hearing today freely admitted that the legislative mandate concerning this insurance fund must be conserved and that these funds should be retained for the insurance fund unless other and equal provisions were made by the Assembly to secure from other sources the revenue necessary to comply with the law of 1915.

The relief associations of the firemen of the State are worthy organizations. They deserve and should have all these funds and even more. When men voluntarily serve in hazardous duties and incur injury or death it is only right that their dependents should be generously cared for, not as objects of charity, but as by right entitled to such relief. The injured fireman has a right to relief, and funds for this purpose are altogether proper and just. The Executive would gladly lend his approval to any remedial legislation of this character and is greatly distressed that he is compelled by the law he is obligated to administer to deny this relief to worthy beneficiaries.

Should any legislative issue that will conserve the State Insurance Fund and also afford increased aid to Firemen's Relief Associations the Executive will gladly approve such enactment. Until this is done, reluctantly but conscientiously, he must with regret withhold his approval.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 55.

AN ACT

To provide for a stadium in cities of the first class.

Section 1. Be it enacted, &c., That the commissioners in charge of public parks in every city of the first class are authorized to build and maintain, in any park under their control, a stadium or other structure suitable for the accommodation of players and spectators of athletic games and other open-air sports, and the councils of such city shall appropriate to said commissioners the funds required for such purpose.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, June 7, 1917.

To the Honorable, the Senate of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, Senate bill No. 741, entitled "An act to provide for a stadium in cities of the first class."

This bill authorizes commissioners in charge of public parks in Philadelphia to build and maintain in any park a stadium. The bill also provides that councils of such city shall appropriate to said commissioners the funds required for such purpose.

The erection of a stadium is to be commended, and Philadelphia needs such a structure. Philadelphia is wholly competent now by law to erect a stadium if the city wants one. It can erect as many as it wishes. But it is scarcely good policy to compel councils to pay bills they do not contract. The tax-laying body should not be denied a voice in a tax-paying procedure.

The sentiment of the people of the city should be expressed through councils, and the city should not be directed by act of Assembly to provide the money for stadia or other structures the city may not want.

Let this matter rest where it manifestly belongs,—with the city concerned.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 56.

AN ACT

To authorize the construction of branches by railroad companies.

Section 1. Be it enacted, &c., That any railroad company heretofore or hereafter incorporated under the laws of this Commonwealth, or under the laws of this Commonwealth and any other State or States, shall have authority to construct such branches, from any part of its railroad, as it may deem necessary, to increase its business and to accommodate the trade and travel of the public.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, June 7, 1917.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, House bill No. 1072, entitled "An act to authorize the construction of branches by railroad companies."

This bill extends power to railroads to construct branches to branches of their lines. The act of April 4, 1868 (P. L. 64, Section 9), gives power to these corporations to construct branch lines, but not branches to branches. Moreover, the bill gives to railroad corporations acting under the laws of other States the same power conferred upon railroads chartered in Pennsylvania. This allows foreign corporations, without conforming to enactments relating to such now in force, to take advantage of this enactment. There

is also a doubt whether or not this bill would not nullify the power of the Public Service Commission with reference to granting a certificate of public convenience.

Present laws relating to railroads are considered fair and generous in this Commonwealth, and the vague and uncertain implications of this bill lead me to question its wisdom, and the present laws lead me to doubt its necessity.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 57.

AN ACT

To provide for an additional law judge of the several courts of the thirty-first judicial district.

Section 1. Be it enacted, &c., That, in addition to the president judge now provided for by the existing law, an additional law judge is hereby authorized and provided for the several courts of the thirty-first judicial district, who shall possess the same qualifications which are required by the Constitution and law for the president judge of said district, and who shall hold his office for a like term and for the same tenure, and shall have the same powers, authority, and jurisdiction, and shall be subject to the same duties, rights, and penalties, and shall receive such compensation as is provided by law.

Section 2. At the next municipal election after the passage of this act, the qualified electors of the said thirty-first judicial district shall elect, in the manner provided by law for the election of the president judge, a competent person to serve as additional law judge in said district. Vacancies in the office hereby created, whether caused by death, resignation, or expiration of term, or otherwise, shall be filled in the same manner as is required by law in case of a similar vacancy in the office of the president judge.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, June 7, 1917.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, House bill No. 1417, entitled "An act to provide for an additional law judge of the several courts of the thirty-first judicial district."

This bill provides for an additional law judge in the thirty-first judicial district. The population of this district would warrant an additional judge. But the present judge advises that the business of the court does not warrant approval of this bill. But the reason that is impelling concerning this case is the decision of the

Supreme Court (251 Pa. 39). Only a few days ago a bill was passed to overcome the court's objection, and was approved. This case was then pending in the Assembly, and should have been embodied in the general act redistricting the State and defining the number of judges in each district.

Failure to do this, and the presentation of this bill now, leads me, in deference to the court's decree, to take the only action consistent with the case.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 58.

AN ACT

To fix the salaries of the clerks of the state department in the office of the county treasurer of any county of this Commonwealth having a population of one million or over.

Section 1. Be it enacted, &c., That from and after the first day of June, one thousand nine hundred and seventeen, the salaries and compensation of the clerks of the state department, in the office of the county treasurer of any county of the Commonwealth having a population of one million or over, shall be as follows: chief clerk, three thousand five hundred (\$3,500) per annum; executive clerk, three thousand (\$3,000.00) dollars per annum; state clerk, three thousand dollars (\$3,000.00) dollars per annum; first assistant clerk, twenty-five hundred (\$2,500.00) dollars per annum; three assistants and two clerks, eighteen hundred (\$1,800.00) dollars per annum; two extra clerks, fifteen hundred (\$1,500.00) dollars per annum. Such salaries and compensation to be paid semimonthly, according to existing laws.

Section 2. All laws or parts of laws inconsistent herewith are hereby repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, June 7, 1917.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, House bill No. 135, entitled "An act to fix the salaries of the clerks of the state department in the office of the county treasurer of any county of this Commonwealth having a population of one million or over."

The purpose of this bill is to increase the compensation and the number of clerks of the "state department in the office of the county treasurer" in Philadelphia and Allegheny counties. There are no officers of record here that are "clerks of the state department in the office of the county treasurer." The bill may have in mind clerks assigned to the duty of collecting mercantile and other license taxes

in these counties. There are now nine (9) in Philadelphia and five (5) in Allegheny. This bill increases to eleven (11) the number in each county. There can be no good reason for the great increase in the number of such clerks in Allegheny County, and the cost would be for both counties \$48,000. All personal property taxes now go to the several counties, none to the State. The work should be less, not greater.

The officers given power by existing law to appoint these clerks, can, without an act of Assembly, determine the number and the compensation of these clerks. There is, therefore, no reason for this enactment.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 59.

AN ACT

To reimburse certain counties for rewards and bounties heretofore paid by such counties, in good faith, for the destruction of noxious animals and birds, and directing the Auditor General to draw his warrant for the payment of the same.

Section 1. Be it enacted, &c., That the claims of the several counties for bounties or rewards heretofore paid by such counties, for which reimbursement was refused by the Auditor General, on account of omissions, defects, errors, or irregularities in the proofs of such claims, or the certificates thereto, are hereby validated; and the Auditor General of this Commonwealth is hereby directed to issue his warrants to the State Treasurer, for the payment to the various counties of this Commonwealth, from the funds secured as hunters' license fees, and appropriated as provided by law for such purpose, of the amounts paid by the treasurers of such counties as rewards or bounties for the destruction of noxious animals and birds, under the provisions of said act of the twenty-fifth day of July, one thousand nine hundred and thirteen, entitled "An act creating a reward or bounty for the destruction of certain noxious animals and birds killed within the Commonwealth of Pennsylvania; providing a method for the payment of the same by the several counties of the Commonwealth, which, in turn, are to be reimbursed by the Commonwealth; and providing penalties for violation of its several provisions," on orders issued in good faith by the county commissioners of such counties, notwithstanding the omissions, defects, errors, or irregularities in the proofs of the claims or the certificates thereto.

This act shall not authorize the payment of any claims which, on investigation, have been found to be fraudulent.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, June 7, 1917.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, House bill No. 1288, entitled "An act to reimburse certain counties for rewards

and bounties heretofore paid by such counties, in good faith, for the destruction of noxious animals and birds, and directing the Auditor General to draw his warrant for the payment of the same."

This bill validates claims of the several counties for bounties or rewards heretofore paid by such counties, and for which reimbursement was refused by the Auditor General on account of omissions, defects, errors, or irregularities of the proofs of such claims. The Auditor General is directed to issue warrants to the State Treasurer for the payment of these claims, denying only those that are proven fraudulent.

The amount involved is upward of \$80,000 and is to be paid from the hunters' license fund in the State Treasury. The State Game Commission and the secretary thereof are strenuously opposed to this bill. They insist that the Commonwealth should not be penalized for the neglect or carelessness of local officials. They point out that gross fraud was perpetrated and the most of this money is not due any one for killing noxious animals, but that by connivance of local officials with irresponsible trappers and hunters, or by the most flagrant carelessness, the bounties were irregularly paid.

The whole affair was so acutely scandalous that, in 1915, a law was enacted and put in operation to end the abuse and robbery. Under this act of 1915 the amounts allotted for this purpose dropped about 300%—an evidence, not of decrease of real claims, but of honest service as against dishonest and careless service prior thereto.

County commissioners have their remedy through proceedings against the people who have made these claims and the local magistrates who granted improper warrants. The people also have their remedy against the officials who have negligently or carelessly paid such claims.

In some cases, unquestionably, the claims are proper and the payments should be made. But it is not wise to direct the Auditor General to pay all these claims when locally no effort has been made to verify them. I suggest that this matter be made subject of careful inquiry and local investigation by the responsible local authorities, for the purpose of arriving, at the next meeting of the Assembly, at a basis of adjustment that will recognize and pay the just claims, which, no doubt, this bill sought to cover, but did not take into account the whole situation.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 60.

AN ACT

To fix the compensation for members of the General Assembly.

Section 1. Be it enacted, &c., That the compensation of members of the General Assembly shall be two thousand five hundred dollars for the regular biennial session, and mileage to and from their homes at the rate of thirty cents per mile circular, to be computed by the

ordinary mail-route between their homes and the capital of the State; and five hundred dollars, and mileage as aforesaid, for each special or extraordinary session; and no other compensation or allowance shall be allowed whatever, except for stationery and postage as provided by law, and expenses which may be incurred as a member of a regularly authorized and appointed State or legislative committee.

Section 2. All acts or parts of acts inconsistent herewith are hereby repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, June 7, 1917.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, House bill No. 751, entitled "An act to fix the compensation for members of the General Assembly."

This bill increases the salaries of the members of the House and Senate of Pennsylvania from \$1,500 to \$2,500 per session, and increases mileage from 20 to 30 cents per mile circular.

Like bills have been disapproved by my predecessors for good reasons. The quality of service in the Legislature would scarcely be improved by the additional cost,—about \$270,000 per session. Members seek these places not for the salary, and they should not. There is no lack of willing citizens for place in the General Assembly, and the common people have expressed decided protest against this increased cost of legislative service.

Members of the law-making body of any State ought to accept this service as a solemn service to the Commonwealth. They should, if necessary, be willing to do this at a sacrifice to themselves. The proper way to determine this compensation of members would be to submit the question in the candidacy of those willing to serve. The people would then, in choosing one favoring an increased salary, give guidance of moment. Should they choose one not favoring such increase, the guidance would be equally conclusive.

We are in a great war. Many sacrifices will be made. Many men will willingly give up time and money for the national good, and it is an inopportune time to approve increased compensation to these representatives.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 61.

AN ACT

To amend the act, approved the sixteenth day of July, one thousand nine hundred and thirteen, entitled "A supplement to an act, entitled 'An act providing for the incorporation and government of cities of the third class,' approved the twenty-third day of May, Anno Domini one thousand eight hundred eighty-nine, creating a City Planning Department, defining its jurisdiction, and extending the same so as to regulate the laying out and recording of plans of lots within the limits of the city, and for three miles beyond the city limits; and to regulate the making and use of certain public improvements until said plans are approved by said department, and authorizing the exercise of the powers herein provided by a park or other municipal commission," by extending the powers of the City Planning Commission, imposing duties on certain borough and township officers, extending the jurisdiction of the commission to six miles outside the city limits in certain cases, restricting certain conveyances of land, and imposing penalties for violation of certain provisions of the act.

Section 1. Be it enacted, &c., That section one of the act, approved the sixteenth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, 752), entitled "A supplement to an act, entitled 'An act providing for the incorporation and government of cities of the third class,' approved the twenty-third day of May, Anno Domini one thousand eight hundred eighty-nine, creating a City Planning Department, defining its jurisdiction, and extending the same so as to regulate the laying out and recording of plans of lots within the limits of the city, and for three miles beyond the city limits; and to regulate the making and use of certain public improvements until said plans are approved by said department and authorizing the exercise of the powers herein provided by a park or other municipal commission," which reads as follows:—

"Section 1. Be it enacted, &c., That an additional executive department in the government of cities of the third class is hereby created, to be known as the Department of City Planning, which shall be in charge of a City Planning Commission, consisting of five persons, to be appointed by the mayor and councils. In the first instance, one member of said commission shall be appointed for one year, one member for two years, one member for three years, one member for four years, and one member for five years, and annually thereafter a member of said commission shall be appointed for a term of five years. An appointment to fill a casual vacancy shall be only for the unexpired portion of the term. All members of the said commission shall reside within the zone of jurisdiction of said commission, as hereinafter defined. They may make and alter rules and regulations for their own organization and procedure, consistent with the ordinances of the city and the laws of the Commonwealth. They shall serve without compensation, and make annually to the mayor and councils a report of their transactions. They may employ engineers and other persons, whose salaries and wages, and other necessary expenses of the commission, shall be provided for through proper appropriation by councils," be amended to read as follows:—

Section 1. Be it enacted, &c., That an additional executive department in the government of cities of the third class is hereby created, to be known as the Department of City Planning, which shall be in charge of a City Planning Commission, consisting of five persons, to be appointed by the mayor and councils. In the first instance, one member of said commission shall be appointed for one year, one

member for the two years, one member for three years, one member for four years, and one member for five years, and annually thereafter a member of said commission shall be appointed for a term of five years. An appointment to fill a casual vacancy shall be only for the unexpired portion of the term. In the event of a vacancy, or the expiration of a term of office, the remaining members of the commission may file with the city council a list of five or more names. From such the council may, if it sees fit, elect a member to fill such vacancy, or expired term. The council may name the commissioner of parks and public property as a member of the City Planning Commission, either active or ex officio. All members of the said commission shall reside within the zone of jurisdiction of said commission, as hereinafter defined. They may make and alter rules and regulations for their own organization and procedure, consistent with the ordinances of the city and the laws of the Commonwealth. They shall serve without compensation, and make annually to the mayor and councils a report of their transactions. They may employ engineers and other persons, whose salaries and wages, and other necessary expenses of the commission, shall be provided for through proper appropriation by councils.

Section 2. That section two of said act, which reads as follows:—

“Section 2. The clerks of council shall, upon introduction, furnish to the City Planning Commission, for its consideration, a copy of all ordinances and bills, and all amendments thereto, relating to the location of any public building of the city; and to the location, extension, widening, narrowing, enlargement, ornamentation, and parking of any street, boulevard, parkway, park, playground, or other public ground; and to the relocation, vacation, curtailment, changes of use, or any other alteration of the city plan, with relation to any of the same; and to the location of any bridge, tunnel, and subway, or any surface, underground, or elevated railway. The said commission shall have the power to disapprove any of the said ordinances, bills, or amendments, which disapproval, however, must be communicated to councils, in writing, within ten days from the introduction of said ordinances; but such disapproval shall not operate as a veto,” be amended to read as follows:—

Section 2. The clerk of the city council, and the clerks of all borough councils and other legislative bodies within the jurisdiction of the City Planning Commission as hereinafter described, shall, upon introduction, furnish to the City Planning Commission, for its consideration, a copy of all ordinances and bills, and all amendments thereto, relating to the location of any public buildings; and to the location, extension, widening, narrowing, enlargement, ornamentation, and parking of any street, boulevard, parkway, park, playground, or other public ground; and to the relocation, vacation, curtailment, changes of use, or any other alteration of the city, borough, or other municipal plan, with relation to the same; and to the location of any bridge, tunnel, and subway, or any surface, underground, or elevated railway; and to the location of any mausoleum, cemetery, or burying-ground within the jurisdiction of said municipality.

Any clerk of such city, borough, or other legislative body, who refuses or neglects to file with the City Planning Commission a copy of any ordinance or bill, as provided in this section, shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to

pay a fine of not more than twenty-five dollars for the first offense, and for each subsequent offense to pay a fine of not more than fifty dollars, or to undergo a term of imprisonment in the county jail for not less than ten days nor more than thirty days, or both, at the discretion of the court. The court of quarter sessions shall not approve the laying out, opening, widening, or changing the location of any public road within the jurisdiction of the City Planning Commission until the same has been presented to the City Planning Commission for its approval or disapproval. The said commission shall have power to disapprove any of said ordinances, bills, or amendments, which disapproval, however, must be communicated to council or legislative bodies, in writing, within ten days from the day the ordinance was received by the commission; but such disapproval shall not operate as a veto.

Section 3. That section 3 of said act, which reads as follows:—

“Section 3. The City Planning Commission may make or cause to be made, and lay before councils, and at its discretion cause to be published, maps of the city or any portion thereof, including territory extending three miles beyond the city limits, showing the streets, and highways and other natural and artificial features, and also locations proposed by it for any new public buildings, civic centre, street, parkway, park, playground, or any other public ground or public improvement, or any widening, extension, or relocation of the same, or any change in the city plan by it deemed advisable; and it may make recommendations to councils, from time to time, concerning any such matters and things aforesaid, for action by councils thereto; and, in so doing, have regard for the present conditions and future needs and growth of the city, and the distribution and relative location of all the principal and other streets and railways, waterways, and all other means of public travel and business communications, as well as the distribution and relative location of all public buildings, public grounds, and open spaces devoted to public use,” be amended to read as follows:—

Section 3. The City Planning Commission may make or cause to be made, and lay before the city or any borough council, or any legislative body within its jurisdiction, as hereinafter described, and at its discretion cause to be published, maps of the city, borough, or township, or any portion thereof, including territory extending three miles beyond the city limits, showing the streets, and highways and other natural or artificial features, and also locations, proposed by the City Planning Commission for any new public roads, civic centre, streets, parkway, park, playground, or any other public ground, or public improvements, or any widening, extension, or relocation of the same, or any change in the city, borough, or quasi-municipal plan by it deemed advisable. The City Planning Commission may make recommendations to the councils of said municipalities, from time to time, concerning any such matters and things aforesaid, for action by the councils or legislative bodies thereto; and, in so doing, have regard for the present conditions and future needs and growth of the city, and the distribution and relative location of the principal and other streets and railways, waterways, and all other means of public travel and business communications, as well as the distribution and relative location of all public buildings, public grounds, and open spaces devoted to public use within the jurisdiction of the City Planning Commission.

Section 4. That section five of said act, which reads as follows:—

“Section 5. All plans, plots, or re-plots of lands laid out in building lots, and the streets, alleys, or other portions of the same intended to be dedicated to public use, or for the use of purchasers or owners of lots fronting thereon or adjacent thereto, and located within the city limits, or for a distance of three miles outside thereof, shall be submitted to the City Planning Commission and approved by it before it shall be recorded. And it shall be unlawful to receive or record such plan in any public office unless the same shall bear thereon by indorsement or otherwise, the approval of the City Planning Commission. The disapproval of any such plan by the City Planning Commission shall be deemed a refusal of the proposed dedication shown thereon. The approval of the commission shall be deemed an acceptance of the proposed dedication; but shall not impose any duty upon the city concerning the maintenance or improvement of any such dedicated parts, until the proper authorities of the city shall have made actual appropriation of the same by entry, use, or improvement. No sewer, water, or gas-main, or pipes, or other improvement, shall be voted or made within the area under the jurisdiction of said commission, for the use of any such purchasers or owners; nor shall any permit for connection with or other use of any such improvement existing, or for any other reason made, be given to any such purchasers or owners until such plan is so approved. Where the jurisdictional limit of three miles outside of the city limits, as provided in this section, may conflict with the zone of similar character connected with another city of the third class, the jurisdiction of said commission shall extend only to the point equidistant between the city limits and the limits of said municipality,” be amended to read as follows:—

Section 5. All plans, plots, or re-plots of lands laid out in building lots, and the streets, alleys, or other portions of the same intended to be dedicated to public use, or for the use of purchasers or owners of lots, fronting thereon or adjacent thereto, and located within the city limits, or for a distance of three miles outside thereof, or for a distance of six miles if such lands are on or along any boulevard, parkway, or main artery of travel leading into or out of the city, shall be submitted to the City Planning Commission and approved by it before it shall be recorded. And it shall be unlawful to receive or record such plan in any public office unless the same shall bear thereon, by indorsement or otherwise, the approval of the City Planning Commission. The disapproval of any such plan by the City Planning Commission shall be deemed a refusal of the proposed dedication shown thereon. The approval of the commission shall be deemed an acceptance of the proposed dedication; but shall not impose any duty upon the city concerning the maintenance or improvement of any such dedicated parts, until the proper authorities of the city shall have made actual appropriation of the same by entry, use, or improvement.

No conveyance of land for residential purposes shall be made within the territory under the jurisdiction of the City Planning Commission, in pursuance of a plotted plan hereafter made, unless such plot has been approved by the commission and has been recorded. It shall be unlawful to receive, or record, any deed of conveyance in any public office, in violation herewith, or any deed or conveyance of any

plot or parcel of land, conveyed for residential purposes within the area covered by a plot approved by the City Planning Commission and recorded, unless it sets forth the name and page of the book in the recorder's office where such plot is recorded.

Any recorder of deeds, or city engineer, who violates any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine of not more than twenty-five dollars for the first offense, and for each subsequent offense to pay a fine of not more than fifty dollars, or to undergo a term of imprisonment in the county jail for not less than ten days nor more than thirty days, or both, at the discretion of the court.

No sewer, water, or gas-main, or pipes, or other improvement, shall be voted or made within the area under the jurisdiction of said commission, for the use of any such purchasers or owners; nor shall any permit for connection with or other use of any such improvement existing, or for any other reason made, be given to any such purchasers or owners until such plan is so approved.

The city council may, upon the recommendation of the City Planning Commission, establish a building line for any street of such city, beyond which no building or part thereof shall hereafter be erected.

Where the jurisdictional limit of three, or six, miles, as the case may be, outside of the city limits as provided in this section, may conflict with the zone of similar character connected with another city of the third class, the jurisdiction of said commission shall extend only to the point equidistant between the city limits and the limits of said municipality.

Section 5. If any part of this act, or the act to which this is an amendment, is declared unconstitutional, such decision shall not affect any of the remaining provisions of this act.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, June 15, 1917.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, House bill No. 1425, entitled "An act to amend the act, approved the sixteenth day of July, one thousand nine hundred and thirteen, entitled 'A supplement to an act, entitled 'An act providing for the incorporation and government of cities of the third class,' approved the twenty-third day of May, Anno Domini one thousand eight hundred and eighty-nine, creating a City Planning Department, defining its jurisdiction, and extending the same so as to regulate the laying out and recording of plans of lots within the limits of the city, and for three miles beyond the city limits; and to regulate the making and use of certain public improvements until the said plans are approved by said department, and authorizing the exercise of the powers herein provided by a park or other municipal commission,' by extending the powers of the City Planning Commission, imposing duties on certain borough and township officers, extending the jurisdiction of the commission to six miles outside the city limits in certain cases, restricting certain conveyances of land, and imposing penalties for violation of certain provisions of the act."

This bill seeks to amend the act of July 16, 1913 (P. L. 752), creating a City Planning Commission in cities of the third class.

This bill adds to the powers of such commissions by giving them power over boroughs which happen to lie within the range of three or six miles of such city. This bill would compel, under heavy penalty, a clerk of a borough council to submit a copy of all ordinances and bills relating to the erection of public buildings in such boroughs, or to the location, extension, widening or otherwise changing a borough plan, to the City Planning Commission. The penalty is imprisonment.

The effect is to give to such planning commission jurisdiction and directive control over boroughs and townships—municipal units of coordinate corporate strength under law. It is the imposing of the will of a city over territory not within its jurisdiction. It carries the power of the city too far. It moreover does not define the agency that shall be competent to declare what boulevard, parkway or main artery of travel leading into such city shall for six miles be subject to the directive regulation of the City Planning Commission. Approval of this bill would further jeopardize the act of July 16, 1913, as may be seen in the case of *Moll vs. Morrow* (253 Pa. 442), and is inhibited by Section 20 of Article III of the Constitution.

While it is important that planning commissions should have abundant power in their own jurisdictional bounds, and legislation to that end would be welcome, it is regrettably true that this bill goes too far and is in violation of the defined rights of outlying territory, such as boroughs and townships, located within three or six miles of the bounds of cities of the third class.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 62.

AN ACT

Providing that public roads through Indian reservations in the State of Pennsylvania shall be improved and maintained by the State Highway Department as a part of the system of State highways.

Section 1. Be it enacted, &c., That public roads and highways laid out and opened through Indian reservations located within this Commonwealth shall be improved and maintained by the State Highway Department, at the expense of the Commonwealth, as a part of the system of State highways.

Section 2. All acts or parts of acts inconsistent herewith are hereby repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, June 15, 1917.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, House bill No 1458, entitled "An act providing that public roads through In-

dian reservations in the State of Pennsylvania shall be improved and maintained by the State Highway Department as a part of the system of State highways."

This bill provides that public roads through Indian reservations shall be State highways and shall be improved and maintained by the Commonwealth.

This bill takes the place of a former bill, which was vetoed as special legislation, and is universalized in its terms to do precisely the same thing—namely, to place upon the Commonwealth the obligation of imposing and maintaining certain public roads not now included by law in the State highway system. It is, therefore, directly at variance with the expressed judgment of the Executive fully conveyed to the Assembly, which judgment is that there should be less and not more miles of highways in the State controlled systems. We do not receive for the Department of Highways from the Assembly enough funds to improve and maintain the excessive mileage now by law placed under State control. Unless there is a commanding reason for it, no roads should be added to an already overburdened system.

If the people want good roads they must lessen the present mileage or appropriate more money. To increase the mileage and not the funds necessary for their development and upkeep is precisely what we should avoid, not promote.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 63.

AN ACT

To enable foreign religious and charitable corporations to hold real estate.

Section 1. Be it enacted, &c., That hereafter all religious and charitable corporations, duly incorporated under and by virtue of the laws of any other State, may take, hold, and enjoy in their corporate name, or by trustee or trustees, real estate located and situate in this Commonwealth. The clear yearly value or income of such real estate shall in no case exceed twenty thousand dollars. The said real estate shall be subject to taxation in the same manner and for the same purposes as other real estate.

Section 2. All acts or parts of acts inconsistent herewith be, and the same are hereby, repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, June 15, 1917.

To the Honorable, the Senate of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, Senate bill No. 61, entitled "An act to enable foreign religious and charitable corporations to hold real estate."

This bill would enable foreign religious and charitable corporations to hold real estate in this Commonwealth whose clear yearly value or income shall not exceed \$20,000.

Section 6 of Article XVI of the Constitution provides that no corporation shall "take and hold any real estate except such as may be necessary and proper for its legitimate business." If this bill contemplates this holding of real estate by corporations, without regard to this purpose or necessity of the corporation as such, it is clearly unconstitutional. Since the bill contains no such limiting function and leaves the whole subject open to litigation and vexatious delays, it can be of no substantial good and ought not in its present form be enacted into law.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 64.

AN ACT

Relative to the payment of deposits in banks or trust companies, deposited in two or more names.

Section 1. Be it enacted, &c., That whenever a deposit has been made, or shall hereafter be made, in any bank or trust company transacting business in this Commonwealth, in the names of two or more persons, such deposit, or any part thereof, or any interest or dividend thereon, may, in all cases, be paid to either of said persons, whether the other be living or not, unless the persons making such deposit shall, at the time of making such deposit, enter into an agreement, in writing, with such banks or trust company, providing specifically a different method in which such moneys shall be paid out. The receipt or acquittance of the person so paid by such bank or trust company shall, in all such cases, be valid and sufficient discharge to any bank or trust company for any payment so made.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, June 15, 1917.

To the Honorable, the Senate of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, Senate bill No. 161, entitled "An act relative to the payment of deposits in banks or trust companies, deposited in two or more names."

This bill provides that funds deposited in banks or trust companies in the name of two or more persons, together with any interest or dividends thereon, may in all cases be paid to either of said persons, whether the other one or ones be dead or living. The only exception lies in cases where, in written agreement in advance, some other method shall be followed.

There is no good purpose to be gained by this bill. Under existing law by the form of deposit or by agreement the entire matter can now be accomplished. When money is deposited jointly it should be withdrawn jointly. One should not have power by law to control or dispose of property owned by two, especially when one is dead. Endless complications and in conceivable cases manifest wrong would ensue. Banks would be annoyed, doubts would arise, and in the end the effect of such law, when known, would be to end all joint deposits. If such ending is desired, there should be an enactment to that end. If it is not desired, the present laws are sufficient.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 65.

AN ACT

To amend the second section of an act, approved April fourth, one thousand nine hundred and seven, entitled "An act creating, in counties having a population from three hundred thousand to one million, a board to fix and determine the number and compensation of employes in all county offices, boards, bureaus, departments, and divisions thereof; prescribing the powers and duties of said board, and regulating appeals from the decision thereof," by providing that where said board, as constituted by said act, is composed of the county controller and county commissioners only, the president of the board, in case of a tie vote, shall be entitled to a deciding vote.

Section 1. Be it enacted, &c., That the second section of an act, approved April fourth, one thousand nine hundred and seven (Pamphlet Laws, fifty-eight), entitled "An act creating, in counties having a population from three hundred thousand to one million, a board to fix and determine the number and compensation of employes in all county offices, boards, bureaus, departments, and divisions thereof; prescribing the powers and duties of said board, and regulating appeals from the decision thereof," which reads as follows, namely:

"Section 2. The said board shall meet, from time to time, when required by any county officer, president or other executive head of any separate board or division, whatsoever, the number or compensation of whose employes is sought to be fixed and determined; and shall forthwith consider and fix and determine the same, in manner as they may deem best for the public service; and such county officer, president, or executive head shall sit as a member of said board, and be entitled to vote so long as the matter affecting his office is under consideration, and no longer, and a decision of the majority shall govern. A full minute of all meetings of said board shall be entered in a book kept for that purpose," be, and the same is hereby, amended so that the said section shall read as follows, to wit:—

Section 2. The said board shall meet, from time to time, when required by any county officer, president, or other executive head of any separate board or division, whatsoever, the number or compensation of whose employes is sought to be fixed and determined; and shall forthwith consider and fix and determine the same, in manner as

they may deem best for the public service; and such county officer, president, or executive head shall sit as a member of said board, and be entitled to vote so long as the matter affecting his office is under consideration, and no longer, and a decision of the majority shall govern. When the matter being considered by the board relates to the office of the county controller or county commissioners, or whenever the board as constituted by this act is composed of the county controller and county commissioners only, the president or chairman of the board shall, in case of a tie vote, be entitled to an additional deciding vote.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, June 15, 1917.

To the Honorable, the Senate of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, Senate bill No. 696, entitled "An act to amend the second section of an act, approved April fourth, one thousand nine hundred and seven, entitled, 'An act creating, in counties having a population from three hundred thousand to one million, a board to fix and determine the number and compensation of employes, in all county offices, boards, bureaus, departments, and divisions thereof; prescribing the powers and duties of said board, and regulating appeals from the decision thereof,' by providing that where said board, as constituted by said act, is composed of the county controller and county commissioners only, the president of the board, in case of a tie vote, shall be entitled to a deciding vote."

This bill seeks to amend section 2 of the act of April 4, 1907 (P. L. 58), by giving to salary boards, in counties of 300,000 population, and under 1,000,000 population, when such board is composed only of the county controller and the county commissioners, a means of breaking a tie. The means suggested is to give the president or chairman of the board, in case of a tie, the right to cast the deciding vote. That is to say, it gives such officer two votes. He ought not to have two votes. In case of a tie, reason and justice should resolve it, and not the multiplied power of one of the members of a coordinate group. The principle involved is undemocratic and unjust.

This bill unfortunately omits the provision of the present law which provides that a full minute of all meetings of the board shall be entered in a book kept for that purpose. Certainly a careful and detailed record of the actions of such a board is essential to good public service and vital to a sound public policy. This omission if designed is unfortunate; if accidental, likewise unfortunate. Being unsound in principle at both points, it ought not be given approval.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 66.

AN ACT

Defining cold storage, and regulating time of storage of certain articles of food; and providing penalties for the violation of the provisions of this act.

Section 1. Be it enacted, &c., That for the purpose of this act, "cold storage" shall mean the storage or keeping of articles of food, at or below a temperature above zero of thirty-four (34) degrees Fahrenheit, in a cold-storage warehouse. "Cold-storage warehouse" shall mean any place artificially cooled, to or below a temperature above zero of thirty-four degrees Fahrenheit, in which articles of food are placed and held for thirty days or more. "Articles of food" shall mean fresh meat, and fresh meat products, and all fresh food, fish, game, poultry, eggs, and butter.

Section 2. No person, firm, or corporation shall maintain or operate a cold-storage warehouse without a license so to do issued by the Dairy and Food Commissioner. Any person, firm, or corporation desiring such a license shall make written application to the Dairy and Food Commissioner for that purpose, stating the location of the warehouse. The Dairy and Food Commissioner thereupon shall cause an examination to be made of said warehouse; and, if it be found by him to be in a proper sanitary condition and otherwise properly equipped for its intended use, he shall issue a license authorizing the applicant to operate the same as a cold-storage warehouse during one year. The license shall be issued upon payment by the applicant of a license fee of fifty dollars (\$50) to the Treasurer of the State.

Section 3. In case any cold-storage warehouse, or any part thereof, shall at any time be deemed by the Dairy and Food Commissioner to be in an unsanitary condition, or not properly equipped for its intended use, he shall notify the licensee of such condition, and, upon the failure of the licensee to put such cold-storage warehouse in a sanitary condition, or to properly equip the same for its intended use, within a time to be designated by the Dairy and Food Commissioner, he shall revoke such license.

Section 4. Every such licensee shall keep accurate records of the articles of food received in, and of the articles of food withdrawn from, his cold-storage warehouse, and the Dairy and Food Commissioner shall have free access to such records at any time.

Section 5. The Dairy and Food Commissioner shall inspect and supervise all cold-storage warehouses, and make such inspection of articles of food therein as he may deem necessary to secure the proper enforcement of this act; and he shall have access to all cold-storage warehouses, at all reasonable times. The Dairy and Food Commissioner may appoint such persons as he deems qualified to make any inspection under this act.

Section 6. No article of food intended for human consumption shall be placed, received, or kept in any cold-storage warehouse if knowingly diseased, tainted, or otherwise unfit for human consumption, or, knowingly, in such condition that it will not keep wholesome for human consumption. No article of food for use other than for human consumption shall be placed, received, or kept in any

cold-storage warehouse, unless previously marked, in accordance with forms to be prescribed by the Dairy and Food Commissioner, in such a way as to indicate plainly the fact that such article of food is not to be sold or used for human food.

Section 7. No person, firm, or corporation shall place, receive, or keep in any cold-storage warehouse, in this State, articles of food unless the same shall be plainly marked, stamped, or tagged, either upon the container in which they are packed or upon the articles of food itself, with the month and year when placed therein; or, in the case of articles of food being stored therein in bulk, the month and year of original storage shall be marked upon the doors or walls of the rooms in which the same are stored; and, when such articles are removed, such month and year shall be marked upon the container in which the same shall be removed; and no person, firm, or corporation shall remove, or allow to be removed, such articles of food from any cold-storage warehouse, unless the same shall be plainly marked, stamped, or tagged, either on the container in which it is enclosed or upon the article of food itself, with the month and year of such removal; and such marks, stamps, and tags shall be prima facie evidence of such receipt and removal of the dates thereof. All articles of food in any cold-storage warehouse at the time this act goes into effect shall, before being removed therefrom, be plainly marked, stamped, or tagged with the month and year when this act goes into effect, and the date of removal therefrom.

Section 8. No person, firm, or corporation shall hereafter keep, or permit to remain, in any cold-storage warehouse any article of food which has been held in cold storage, either within or without the State, for a longer aggregate period than twelve months.

Section 9. It shall be unlawful to sell or to offer for sale any article of food which has been held for a period of thirty days or over in cold storage, either within or without the State, without notifying persons purchasing or intending to purchase the same that it has been so held, by the display of a placard, plainly and conspicuously marked "Cold-Storage Goods," on the bulk, mass, or articles of food; and it shall be unlawful to represent or advertise as fresh any article of food which has been held in cold storage for a period of thirty days or over.

Section 10. It shall be unlawful to return to any cold-storage warehouse any article of food which has been once released from storage for the purpose of placing it on the market for sale. It shall be unlawful to transfer any article of food from one cold-storage warehouse to another, if such transfer is made for the purpose of avoiding any provision of this act; and such transfer shall be unlawful unless all prior stampings, markings, and taggings upon such article shall remain thereon.

Section 11. The Dairy and Food Commissioner may make all necessary rules and regulations to carry this act into effect. Such rules and regulations shall be filed in the Commissioner's office, and shall not take effect until thirty (30) days after such filing.

Section 12. Any person, firm, or corporation violating any provision of this act shall be guilty of a misdemeanor, and shall, upon conviction, be punished, for the first offense, by a fine not exceeding two hundred dollars (\$200); and for the second or any subsequent

offense, by a fine not exceeding three hundred dollars (\$300), or by an imprisonment of not more than one year, or by both such fine and imprisonment, in the discretion of the court.

Section 13. An act approved the sixteenth day of May, one thousand nine hundred and thirteen (Pamphlet Laws, two hundred sixteen), entitled "An act for the protection of the public health and the prevention of fraud and deception, by regulating the storage and sale of cold-storage, foods; fixing penalties for the violation of the provisions thereof, and providing for the enforcement thereof," and the amendments thereto, and all other acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, June 22, 1917.

To the Honorable, the Senate of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, Senate bill No. 543, entitled "An act defining cold storage, and regulating time of storage of certain articles of food, and providing penalties for the violation of the provisions of this act."

This bill is generally known as the cold-storage bill. It changes the provisions of the act of May 16, 1913 (P. L. 216), as amended by act of July 7, 1913 (P. L. 689), in certain essentials, particularly with reference to temperature in storage warehouses, with reference to licenses for each separate building, with reference to the requirement for quarterly reports to the Dairy and Food Department, with reference to the time that food products may be stored, with reference to the marking of containers, and with reference to penalties and the uncertainty of data for conviction of fraud if attempted.

Many communications have reached me concerning this bill. I have read carefully above two hundred such items. Many pray that the bill be approved, and many pray with equal earnestness that the bill be disapproved. The former group is made up of firms or individuals in the trade, and bodies of citizens interested, such as chambers of commerce, boards of trade and banks. Those opposed are chemists, administrators of food laws, civic associations, and citizens at large. To decide between these is perplexing and difficult. The one group is thinking entirely of the business processes incident to cold storage; the other, of the quality of food furnished the consumer and the possible injustice to the people at large were the provisions of this bill to become operative.

The extension of the period of storage from three to ten months, as now provided, is extended upon all foods stored to twelve months, which might, in the judgment of some, add to the possibility of manipulating food prices for speculative purposes. This, if true, would work to the detriment of the consuming public. I am not convinced that this alone should cause the disapproval of the bill.

The present law requires all foods kept at or below 40 degrees Fahrenheit to be classed as cold storage foods. This bill reduces the temperature to 34 degrees Fahrenheit for cold storage foods. Thus, all foods kept at say 35 degrees or 37 degrees would not be

classed as cold storage products. Eggs are seldom kept at 34 degrees. They are usually kept at 39 degrees. Under this bill no eggs would be classed as cold storage eggs, and, of course, would be known in the trade as fresh eggs, regardless of the time they may have been in storage. Any storage-plant that would keep its temperature above 34 degrees would not be within the provisions of this bill, and could keep food indefinitely without being subject to the provisions of this bill. There are many such storage places. There are few that maintain as low a temperature as 34 degrees. There would thus arise three types of foods,—fresh foods, cold storage foods, and foods stored indefinitely in containers having a temperature above 34 degrees and not subject to legal regulation. This to my mind is fatal to the purpose of the food laws, which purpose is to protect the consuming public. The limit fixed in this bill is too low. All chemists writing me so declare. It opens the way for palpable deception of the public and for disposing of foods too long stored for the health of the consumer.

Under existing law quarterly reports are required of all storage warehouses, setting forth definite data as to age and quantity of contents. This is vital data for the department and for the public. This bill requires no reports, and gives no one the necessary data to ascertain the quantity of food at any given time in storage in Pennsylvania. Recently, where food prices soared and the public press indicated that there was a combination formed to corner the market, our department in half a day published broadcast the quantity of food in storage in Pennsylvania. This was of great value. It could not be done under this bill. No staff of agents, unless made so large as to be excessively costly on the people, could gather in a month what is now at no expense regularly filed here four times each year.

The specific language of the bill implies that articles of food not intended for human consumption may be stored with foods that are for human consumption. Thus, presumably, foods unfit for human beings may be stored with foods for human beings. The effect of this is manifest, and is not in the interest of the people dependent upon this stored food.

In section six the prohibition of storing diseased, tainted or otherwise unfit human food is contingent upon the word "knowingly." The prohibition of keeping food in a condition that it is not fit for human consumption is again contingent upon the word "knowingly." Of course, upon attempted enforcement of the law the burden of proof would rest upon the prosecutor and he would be obliged to prove, not that the food is diseased, tainted or unfit, but he would be obliged to prove that it was so kept "knowingly" by the storing agency. Conviction could not follow. The protection of the people from bad food would be removed. The enforcement of pure food law would be impossible.

The whole question of food storage is one for National action, that it may be uniform. The argument that other States have less rigid pure food regulations is not so much a reason for our lessening the standards here as it is a reason for increasing the standards elsewhere. It is our solemn duty to keep the people in health. The penalties of the present law are so much lessened in this bill that

the safeguards of the public now set up would be made less restraining, and in the end the health of the public would pay the penalty.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 67.

AN ACT

To further amend an act, approved the thirty-first day of May, one thousand nine hundred and eleven, entitled "An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employees; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats, principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State highways of the Commonwealth; providing for the improvement, maintenance and repair of said State highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State highway, and procedure therein; providing for work of improvement of State highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township or county roads, and prescribing the contents of township, county, borough, or incorporated town petitions; providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated towns with Commonwealth governing same; providing for the minimum width of State highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injuring or destroying State highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act."

Section 1. Be it enacted, &c., That section one of an act, approved the thirty-first day of May, one thousand nine hundred and eleven, entitled "An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employees; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth, certain existing public roads connecting county seats, principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State highways of the Commonwealth; providing

for the improvement, maintenance and repair of said State highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State highway, and procedure therein; providing for work of improvement of State highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township or county roads and prescribing the contents of township, county, borough, or incorporated town petitions; providing for percentage of cost of improving or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated towns with Commonwealth governing same; providing for the minimum width of State highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injuring or destroying State highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by the provisions of this act," which reads as follows:—

"Section 1. Be it enacted, &c., That from and after the first day of June, Anno Domini one thousand nine hundred and eleven, there shall be established a State Highway Department, by the appointment by the Governor of the Commonwealth of a State Highway Commissioner, who shall serve for a term of four years, and shall give his entire time and attention to the duties of his office. He shall receive a salary of eight thousand dollars per annum, and shall furnish a bond to the Commonwealth, in the sum of fifty thousand dollars, to be approved by the Governor, conditioned for the faithful performance of his duties. The Governor shall also appoint two Deputy State Highway Commissioners, to be known as First Deputy State Highway Commissioner and Second Deputy State Highway Commissioner, respectively; one of whom shall be a competent civil engineer. They each shall receive a salary of six thousand dollars per annum. They shall each give bond to the Commonwealth, in the sum of twenty-five thousand dollars, to be approved by the Governor, conditioned for the faithful performance of their duties. They shall be subject at all times to the authority of the State Highway Commissioner, and in the absence of the Commissioner shall, in the order of their precedence to each other, perform and discharge all the duties of the State Highway Commis-

sioner as required by law and the provisions of this act. The Governor shall also appoint an auditor of the said department, who shall be an expert accountant and who shall be a certified public accountant, under the laws of this Commonwealth. He shall receive a salary of three thousand dollars per annum, and shall give bond to the Commonwealth, in the sum of twenty-five thousand dollars, subject to the approval of the Governor, conditioned for the faithful performance of his duties. It shall be the duty of said auditor to examine and audit all the accounts of the department and to countersign all warrants," be, and the same is hereby, amended so as to read:—

Section 1. Be it enacted, &c., That from and after the first day of June, Anno Domini one thousand nine hundred and eleven, there shall be established a State Highway Department, by the appointment by the Governor of the Commonwealth of a State Highway Commissioner, who shall serve for a term of four years, and shall give his entire time and attention to the duties of his office. He shall receive a salary of eight thousand dollars per annum, and shall furnish a bond to the Commonwealth, in the sum of fifty thousand dollars, to be approved by the Governor, conditioned for the faithful performance of his duties. The Governor shall also appoint two Deputy State Highway Commissioners, to be known as First Deputy State Highway Commissioner and Second Deputy State Highway Commissioner, respectively; one of whom shall be a competent civil engineer. They each shall receive a salary of six thousand dollars per annum. They shall each give bond to the Commonwealth, in the sum of twenty-five thousand dollars, to be approved by the Governor, conditioned for the faithful performance of their duties. They shall be subject at all times to the authority of the State Highway Commissioner, and in the absence of the Commissioner shall, in the order of their precedence to each other, perform and discharge all the duties of the State Highway Commissioner as required by law and the provisions of this act. The Governor shall also appoint an auditor of the said department, who shall be an expert accountant and who shall be a certified public accountant, under the laws of this Commonwealth. He shall receive a salary of four thousand dollars per annum, and shall give bond to the Commonwealth, in the sum of twenty-five thousand dollars, subject to the approval of the Governor, conditioned for the faithful performance of his duties. It shall be the duty of said auditor to examine and audit all the accounts of the department and to countersign all warrants.

Section 2. That section two of said act, which as amended by the act, approved the twenty-eighth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, five hundred eighty-three), reads as follows:—

"Section 2. The Governor shall appoint a chief engineer of the department, who shall be a capable and competent civil engineer, and experienced in the building and maintenance of improved roads, who shall be paid a salary at the rate of seven thousand dollars per annum. The State Highway Commissioner shall appoint, as an assistant to the chief engineer, an engineer of bridges, who shall be a capable and competent civil engineer, experienced in the designing and construction of bridges, who shall be paid a salary at

the rate of thirty-six hundred dollars per annum. He may also appoint not to exceed fifty superintendents, experienced in the construction and maintenance of improved roads, who shall be known as superintendents of highways, each of whom shall be paid a salary at the rate of fifteen hundred dollars per annum. He may also appoint, as the work of the department requires, fifteen competent civil engineers, experienced in improved road building, to act as assistants to the chief engineer, and who shall each be paid a salary at the rate of twenty-four hundred dollars per annum. He may also appoint a chief draughtsman, who shall also be an experienced civil engineer, and who shall be paid a salary at the rate of twenty-four hundred dollars per annum. He may also appoint an engineer of maintenance, an engineer of construction, additional civil engineers and engineers' assistants, superintendents, inspectors, a statistician, paymasters, draughtsmen, bookkeepers, a chief clerk, additional clerks, stenographers, and such other employes, as, in his opinion, are sufficient to carry on the work of the State Highway Department, and shall fix the salaries to be paid the aforementioned employes.

"The State Highway Commissioner, his deputies and other officers, shall be paid, in addition to their stipulated salary or compensation, traveling expenses necessarily and actually incurred by each of them in the performance of the duties required by this act, or performed by direction of the State Highway Commissioner. The State Highway Commissioner shall assign the superintendents of highways to such sections or parts of the State as, in the judgment of said commissioner, will enable said superintendents to render most efficient service in the improvement of the highways. It shall be the duty of each superintendent of highways, subject to the authority of the commissioner, and in accord with the rules and regulations of the department, to superintend, supervise, and take charge and control of all work of rebuilding, maintenance, and repair of the State-aid and State highways, or any portions thereof, in his said district, or placed in his charge; and it shall be the further duty of each superintendent of highways to instruct the authorities having charge of the highways in the counties or townships in his district, which receive aid from the State in the maintenance of highways, as to the methods to be employed at all times in the construction, maintenance, and repair of county or township roads, culverts, and bridges in said counties or townships," be, and the same is hereby, amended so as to read:—

Section 2. The Governor shall appoint a chief engineer of the department, who shall be a capable and competent civil engineer, and experienced in the building and maintenance of improved roads, who shall be paid a salary at the rate of seven thousand dollars per annum. The State Highway Commissioner shall appoint, as an assistant to the chief engineer, an engineer of bridges, who shall be a capable and competent civil engineer, experienced in the designing and construction of bridges, who shall be paid a salary at the rate of thirty-six hundred dollars per annum. He shall also appoint fifty superintendents, experienced in the construction and maintenance of improved roads, who shall be known as superintendents of highways, each of whom shall be paid a salary of two thousand dollars per an-

num. He shall also appoint fifteen competent civil engineers, experienced in improved road building, to act as assistants to the chief engineer, and who shall each be paid a salary of three thousand dollars per annum. He may also appoint a chief draughtsman, who shall also be an experienced civil engineer, and who shall be paid a salary at the rate of twenty-four hundred dollars per annum. He may also appoint an engineer of maintenance, an engineer of construction, additional civil engineers and engineers' assistants, superintendents, inspectors, a statistician, paymasters, draughtsmen, bookkeepers, a chief clerk, additional clerks, stenographers, and such other employes, as, in his opinion, are sufficient to carry on the work of the State Highway Department, and shall fix the salaries to be paid the aforementioned employes.

The State Highway Commissioner, his deputies and other officers, shall be paid, in addition to their stipulated salary or compensation, traveling expenses necessarily and actually incurred by each of them in the performance of the duties required by this act, or performed by direction of the State Highway Commissioner. The State Highway Commissioner shall assign the superintendents of highways to such sections or parts of the State as, in the judgment of said commissioner, will enable said superintendents to render most efficient service in the improvement of the highways. It shall be the duty of each superintendent of highways, subject to the authority of the commissioner, and in accord with the rules and regulations of the department, to superintend, supervise, and take charge and control of all work of rebuilding, maintenance, and repair of the State-aid and State highways, or any portions thereof, in his said district, or placed in his charge; and it shall be the further duty of each superintendent of highways to instruct the authorities having charge of the highways in the counties or townships in his district, which receive aid from the State in the maintenance of highways, as to the methods to be employed at all times in the construction, maintenance, and repair of county or township roads, culverts, and bridges in said counties or townships.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, June 22, 1917.

To the Honorable, the Senate of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, Senate bill No. 850, entitled "An act to further amend an act, approved the thirty-first day of May, one thousand nine hundred and eleven, entitled 'An act providing for the establishment of a State Highway Department by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county seats, principal cities and towns, and extending to the State line; describing and defining same by route numbers as the State high-

ways of the Commonwealth; providing for the improvement, maintenance, and repair of said State highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State highway, and procedure therein; providing for work of improvement of State highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance, and repair of township or county roads, and prescribing the contents of township, county, borough, or incorporated town petitions; providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated towns with Commonwealth governing same; providing for the minimum width of State highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injuring or destroying State highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act.'"

This bill amends the act of May 31, 1911 (P. L. 468), by increasing certain salaries in the Department of Highways as follows:

Superintendents of highways, from \$1,500 to \$2,000.

Auditor of highway, from \$3,000 to \$4,000.

Assistant engineer of highways, from \$2,400 to \$3,000.

The effect is to increase the overhead charges in this department by \$35,000 per annum.

There is no dearth of applicants from which to select men at the present salaries, and so far as I know the cost of the department ought not at this time be so greatly increased. The money appropriated ought in the largest way be put into maintenance and construction of good roads. For better roads the demand is insistent and State-wide. For increased salaries and lessened road service the demand is unheard. Inasmuch as it is impossible with the money given by the Assembly to pay all the increases approved by the Assembly, it is my imperative duty to deny these increases.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 68.

AN ACT

To amend an act, approved the second day of July one thousand eight hundred and ninety-five, entitled "An act to amend an act, entitled 'An act to carry into effect section five of article fourteen of the Constitution, relative to the salaries of county officers and the payment of fees received by them into the State or county treasury, in counties containing over one hundred and fifty thousand inhabitants,' approved thirty-first March, one thousand eight hundred and seventy-six, providing for assistant district attorneys, and fixing the salary of the same, and increasing the salary of county solicitor, clerk of the courts, recorder of deeds, register of wills and treasurer, county prison warden or jailor, county commissioners, controllers, coroners, county directors of the poor, jury commissioners and county detective, and decreasing the salaries of auditors and county surveyor," by fixing the salary of county prison warden.

Section 1. Be it enacted, &c., That section one of an act, approved the second day of July, one thousand eight hundred and ninety-five (Pamphlet Laws, four hundred twenty-four), entitled "An act to amend an act, entitled 'An act to carry into effect section five of article fourteen of the Constitution, relative to the salaries of county officers and the payment of fees received by them into the State or county treasury, in counties containing over one hundred and fifty thousand inhabitants,' approved thirty-first March, one thousand eight hundred and seventy-six, providing for assistant district attorneys, and fixing the salary of the same, and increasing the salary of county solicitor, clerk of the courts, recorder of deeds, register of wills and treasurer, county prison warden or jailor, county commissioners, controllers, coroners, county directors of the poor, jury commissioners and county detective, and decreasing the salaries of auditors and county surveyor," which reads as follows:—

"The salaries of all county officers in the counties to which this act applies, which shall have less than two hundred and fifty thousand and over one hundred and fifty thousand inhabitants each, shall be as follows, namely:

"Of district attorney, four thousand dollars.

"First assistant district attorney, eighteen hundred dollars.

"Second assistant district attorney, twelve hundred dollars, when such office is found necessary by the Salary Board.

"Of sheriff, six thousand dollars.

"Of prothonotary, six thousand dollars.

"Of clerk of courts, four thousand dollars.

"Of register wills and ex officio clerk of the orphans' court, four thousand dollars.

"Of recorder of deeds, four thousand dollars.

"Of county treasurer, five thousand dollars.

"Of county surveyor, three hundred dollars.

"Of county commissioners, each twenty-five hundred dollars.

"Of county auditors, where there is a controller, each one hundred dollars.

"Of county solicitor, one thousand dollars.

"Of county prison warden, two thousand dollars.

"Of coroner, two thousand dollars.

"Of county directors of the poor, each fifteen hundred dollars.

"Of jury commissioners, each five hundred dollars.

"Of county controller, where such office exists or may be created, four thousand dollars.

"Of county detective, eighteen hundred dollars," be amended to read as follows:

The salaries of all county officers in the counties to which this act applies, which shall have less than two hundred and fifty thousand and over one hundred and fifty thousand inhabitants each, shall be as follows, namely:

Of district attorney, four thousand dollars.

First assistant district attorney, eighteen hundred dollars.

Second assistant district attorney, twelve hundred dollars, when such office is found necessary by the Salary Board.

Of sheriff, six thousand dollars.

Of prothonotary, six thousand dollars.

Of clerk of courts, four thousand dollars.

Of register of wills and ex officio clerk of the orphans' court, four thousand dollars.

Of recorder of deeds, four thousand dollars.

Of county treasurer, five thousand dollars.

Of county surveyor, three hundred dollars.

Of county commissioners, each twenty-five hundred dollars.

Of county auditors, where there is a controller, each one hundred dollars.

Of county solicitor, one thousand dollars.

Of county prison warden, two thousand five hundred dollars.

Of coroner, two thousand dollars.

Of county directors of the poor, each fifteen hundred dollars.

Of jury commissioners, each five hundred dollars.

Of county controller, where such office exists or may be created, four thousand dollars.

Of county detective, eighteen hundred dollars.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, June 22, 1917.

To the Honorable, the Senate of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, Senate bill No. 1089, entitled "An act to amend an act, approved the second day of July, one thousand eight hundred and ninety-five, entitled 'An act to amend an act, entitled 'An act to carry into effect section five of article fourteen of the Constitution, relative to the salaries of county officers and the payment of fees received by them into the State or county treasury, in counties containing over one hundred and fifty thousand inhabitants,' approved thirty-first March, one thousand eight hundred and seventy-six; providing for assistant district attorneys, and fixing the salary of the same, and increasing the salary of county solicitor, clerk of the courts, recorder of deeds, register of wills, and treasurer, county prison warden or jailor, county commissioners, controllers, coroners, county directors of the poor, jury commissioners, and county detective, and decreasing the salaries of auditors and county surveyor,' by fixing the salary of county prison warden."

This bill amends the act of July 2, 1895 (P. L. 424), fixing salaries in counties having over 150,000 and less than 250,000 inhabitants, by increasing the salaries of county prison wardens in such counties from \$2,000 to \$2,500. Recently there was approved a bill relating to county commissioners, largely because it contained a rational basis of classification for counties. This bill is one of many that sets up an arbitrary classification with no foundation in reason and solely to increase salaries of persons unknown to me. No reason is given for the increase. No one openly has taken time to give such data as one should have to act intelligently. There is no evidence of the need of the bill, and abundant reasons for lessening, not increasing, arbitrary classifications of counties for no public good, but apparently for private advantage.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 69.

AN ACT

Amending an act, approved the ninth day of June, one thousand eight hundred and eighty-one, entitled "An act to authorize foreign corporations to become corporations of Pennsylvania, and to prescribe the mode for their so doing," by regulating the manner and place of acknowledging and recording the certificate therein provided for, crediting such domesticated corporation with bonus previously paid by it to the Commonwealth, and extending the provisions thereof to corporations incorporated under the several supplements to the act, approved the twenty-ninth day of April, one thousand eight hundred and seventy-four, entitled "An act to provide for the incorporation and regulation of certain corporations."

Section 1. Be it enacted, &c., That the act, approved the ninth day of June, one thousand eight hundred and eighty-one, entitled "An act to authorize foreign corporations to become corporations of Pennsylvania and to prescribe the mode for their so doing," which reads as follows:—

"Be it enacted, &c., That corporations, created by or under the laws of any other State, doing business in this State, and in which three or more of the stockholders are citizens of this State, and which are embraced within corporations of the second class defined in section two (2) of an act, approved the twenty-ninth day of April, one thousand eight hundred and seventy-four, entitled 'An act to provide for the incorporation and regulation of certain corporations,' may become corporations of this State, under the provisions of said last mentioned act, by preparing, having approved and recorded, a certificate in which shall be stated:

"First. The name of the corporation.

"Second. Its purpose.

"Third. The place or places where its business is to be transacted.

"Fourth. The term for which it is to exist.

"Fifth. The names and residences of the stockholders and the number of shares held by each.

"Sixth. The number of its directors, and the names and residences of those elected for the current year.

"Seventh. The amount of its capital stock and the number and par value of the shares into which it is divided.

"Eighth. The legislation under which it was originally created.

"Ninth. Its financial condition at the date of the certificate, showing capital stock paid in, funded debt, floating debt, estimated value of property and cash assets, if any.

"Said certificate shall be accompanied by a certificate, under the seal of the corporation, showing the consent of a majority in interest of such corporation to such application for a charter, and to a renunciation of its original charter and of all privileges not enjoyed by corporations of its class, under the laws of this Commonwealth.

"Section 2. Said certificate shall be acknowledged by at least three of the directors of said corporation, before the recorder of deeds of the county in which the chief operations are to be carried on or in which the principal office is situated, and said directors shall also make and subscribe an oath or affirmation before him, to be indorsed on the said certificate, that the statements contained therein are true. The said certificate shall then be produced to the Governor of this Commonwealth, who shall examine the same, and if he find it to be in proper form and within the purposes named for corporations of the second class in the said second section of said act of April twenty-ninth, one thousand eight hundred and seventy-four, before mentioned, he shall approve thereof and indorse his approval thereon, and direct letters patent to issue, in the usual form, incorporating said stockholders and their successors into a body politic and corporate in deed and in law by the name chosen; and the said certificate shall be recorded, in the office of the Secretary of the Commonwealth, in a book to be by him kept for that purpose, and he shall forthwith furnish the Auditor General an abstract therefrom, showing the name, location, amount of capital stock, and name and address of the treasurer of such corporation; the said original certificate, with all its indorsements, shall then be recorded in the office for the recording of deeds in and for the county where the chief operations are to be carried on.

"Section 3. From the date of said letters patent, said corporation shall be and exist as a corporation of this Commonwealth, under the provisions of law regulating corporations of its class and of its charter; and all of the rights, privileges, powers, immunities, lands, property and assets, of whatever kind or character the same may be, possessed and owned by the original corporation, shall vest in, and be owned and enjoyed by, the said corporation so created as fully and with like effect as if its original charter had remained in force, save as by general law and said certificate expressly stated otherwise; and all suits, claims and demands by said corporation in existence at the date of said new charter shall and may be sued, prosecuted and collected under the laws governing the said corporation prior to its new charter, and claims and demands of every nature and character in existence at the date of said new charter may be collected from and of said new chartered corporation, as fully and with like effect as if no change had taken place," be, and the same is hereby, amended to read as follows:—

Section 1. Be it enacted, &c., That corporations, created by or under the laws of any other State, doing business in this State, and in which three or more of the stockholders are citizens of this State, and which are embraced within corporations of the second class defined in section two (2) of an act, approved the twenty-ninth day of April, one thousand eight hundred and seventy-four, entitled "An act to provide for the incorporation and regulation of certain corporations" or its supplements, after first causing publication to be made in at least one newspaper of general circulation, and the legal periodical, if any, designated by the rules of court for the publication of legal notices in the county of this Commonwealth where its principal business is to be transacted, in the manner and form now required by law for the publication of notice of intention to apply for a charter of incorporation under the laws of this Commonwealth, said notices to be published at least once a week for three weeks prior to the approval and formal recording of their certificate, may become corporations of this State, under the provisions of said last mentioned act or its supplements, by preparing, having approved and recorded, a certificate in which shall be stated:

First. The name of the corporation.

Second. Its purpose.

Third. The place or places where its business is to be transacted.

Fourth. The term for which it is to exist.

Fifth. The names and residences of the stockholders and the number of shares held by each.

Sixth. The number of its directors, and the names and residences of those elected for the current year.

Seventh. The amount of its capital stock and the number and par value of the shares into which it is divided.

Eighth. The legislation under which it was originally created.

Ninth. Its financial condition at the date of the certificate showing capital stock paid in, funded debt, floating debt, estimated value of property and cash assets, if any.

Said certificate shall be accompanied by a certificate, under the seal of the corporation, showing the consent of a majority in interest of such corporation to such application for a charter, and to a renunciation of its original charter and of all privileges not enjoyed by corporations of its class, under the laws of this Commonwealth.

Section 2. Said certificates shall be acknowledged by at least three of the directors of said corporation, before any person having authority, by the laws of this Commonwealth, to take such acknowledgment, and said directors shall also make and subscribe an oath or affirmation before him, to be indorsed on the said certificate, that the statements contained therein are true. The said certificate shall then be produced to the Governor of this Commonwealth, who shall examine the same, and if he find it to be in proper form and within the purposes named for corporations of the second class in the said second section of said act of April twenty-ninth, one thousand eight hundred and seventy-four, or its supplements, before mentioned, he shall approve thereof and indorse his approval thereon, and direct letters patent to issue, in the usual form, incorporating said stockholders and their successors into a body politic and cor-

porate in deed and in law by the name chosen; and the said certificate shall be recorded, in the office of the Secretary of the Commonwealth, in a book to be by him kept for that purpose, and he shall forthwith furnish the Auditor General an abstract therefrom, showing the name, location, amount of capital stock, and name and address of the treasurer of such corporation; the said original certificate, with all its indorsements, shall then be recorded in the office for the recording of deeds in and for the county where its principal business is to be transacted.

Section 3. From the date of said letters patent said corporation shall be and exist as a corporation of this Commonwealth, under the provisions of law regulating corporations of its class and of its charter; and all of the rights, privileges, powers, immunities, lands, property and assets, of whatever kind or character the same may be, possessed and owned by the original corporation, shall vest in, and be owned and enjoyed by, the said corporation so created as fully and with like effect as if its original charter had remained in force, save as by general law and said certificate expressly stated otherwise; and all suits, claims and demands by said corporation in existence at the date of said new charter shall and may be sued, prosecuted and collected under the laws governing the said corporation prior to its new charter, and claims and demands of every nature and character in existence at the date of said new charter may be collected from and of said new chartered corporation, as fully and with like effect as if no change has taken place; and in making settlement for bonus, if any, then due the Commonwealth at the date of said letters patent, said new chartered corporation shall be entitled to credit for all bonus theretofore paid by said original corporation upon the amount of its capital employed within this Commonwealth.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, June 22, 1917.

To the Honorable, the Senate of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, Senate bill No. 242, entitled "An act amending an act, approved the ninth day of June, one thousand eight hundred and eighty-one, entitled 'An act to authorize foreign corporations to become corporations of Pennsylvania and to prescribe the mode for their so doing,' by regulating the manner and place of acknowledging and recording the certificate therein provided for, crediting such domesticated corporation with bonus previously paid by it to the Commonwealth, and extending the provisions thereof to corporations incorporated under the several supplements to the act, approved the twenty-ninth day of April, one thousand eight hundred and seventy-four, entitled 'An act to provide for the incorporation and regulation of certain corporations.'"

This bill amends the act of June 9, 1881 (P. L. 89), relating to foreign corporations becoming corporations in Pennsylvania, as follows:

1. It permits certificates to be acknowledged before any person having authority to take acknowledgments, instead of the recorder of deeds as now.

2. Provides that the certificate be recorded in the county of the corporation's principal business, instead of the place or county where the chief operations are carried on.

3. Makes the provisions applicable to the act of April 29, 1874, or its supplements.

4. Makes credit for all bonus money before paid by the original corporation upon the amount of its capital employed in this Commonwealth.

All of these provisions are of doubtful wisdom. They are manifestly more attractive to foreign corporations than to the people of this Commonwealth. Particularly, the credit of a bonus is a definite loss in revenue to this Commonwealth. There is no material difference now between the tax of 5 mills on foreign corporations and the bonus imposed by the act of 1901. There is no more reason for a credit on the bonus than there would be for a credit on the annual tax. The title is misleading. It would seem to apply to new corporations created in Pennsylvania under the supplements to the act of April 29, 1874, whereas the body of the bill really applies to foreign corporations which, under the act cited and its supplements, seek to become domesticated.

The urgent need of revenue for the necessary business of this Commonwealth has not met with the response in the Assembly that its importance demands. This bill would further, and in no advantageous way to the people, lessen the revenue of the Commonwealth, increase the burden of taxation upon the people, and give gratuities to corporations now most considerably considered.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 70.

AN ACT

To amend sections four and five of an act, approved the second day of April, one thousand eight hundred and sixty-eight, entitled "An act to ascertain and appoint the fees to be received by the several officers of this Commonwealth."

Section 1. Be it enacted, &c., That the fourth section of an act, entitled "An act to ascertain and appoint the fees to be received by the several officers of this Commonwealth," approved the second day of April, one thousand eight hundred and sixty-eight (Pamphlet Laws, three), which reads as follows:—

"Section 4. The fees of the several clerks of the courts of quarter sessions of the several counties of this Commonwealth shall be as follows, to wit:

"Venire for and swearing grand jury, to be paid by the county, ninety cents.

"Filing and entering, if necessary, all papers relating to one prosecution where true bills are found, including arraignment of defendant, entering pleas, and stationery, one dollar and fifty cents.

"The same services where bill is returned ignoramus, including discharge by proclamation, seventy-five cents.

- "Calling recognizance, and entry forfeiture, twenty cents.
- "Taking recognizance in court, each person, twenty-five cents.
- "Respiting or discharging forfeited recognizance and motion therefor, fifteen cents.
- "Every motion and rule, twenty-five cents.
- "Continuance, ten cents.
- "Entering retraction of pleas, or nolle prosequi, twenty cents.
- "Entering submission and judgment, sixty cents.
- "Swearing jury, witnesses, constable, and entering verdict and judgment, sixty cents.
- "All services in cases of surety of the peace, except subpoenas, or attachments, or for taking recognizances, sixty cents.
- "Process on indictment, docket entry and return, seventy-five cents.
- "Copy of rule or order of court, with certificate and seal, forty cents.
- "Filing petition and order thereon, twenty cents.
- "Filing petition for a view or review of a road or bridge, and order under seal, ninety cents.
- "Recording return of viewers and confirmation, for every eight words, one cent.
- "Order to open road under seal, one dollar and twenty-five cents.
- "Certificate for pay of road or bridge viewers, to be paid by the county, each case, thirty cents.
- "Constable's bond, twenty-five cents.
- "Receiving and entering constable's return, to be paid by county, fifteen cents.
- "Filing and recording returns of borough and township elections, each person elected, to be paid by the county, ten cents.
- "Issuing subpoena under seal, thirty cents.
- "Each name after the first, two cents.
- "Issuing attachment, entering motion therefor and return, forty cents.
- "Copy of record, or of any paper filed, for every eight words, one cent.
- "Certificate and seal, thirty cents.
- "Every search, where no other service is performed to which any fee is attached, fifteen cents.
- "Taxing costs, other than the clerk of the sessions, twenty-five cents.
- "Retaxing parties' bill of costs and making report, fifty cents.
- "Making return to writ of error, one dollar.
- "Entering proceedings of supreme court, forty cents.
- "Entering appeals from justices, forty cents.
- "Certificate for pay of jurors, crier and constables, paid by the county, seventy-five cents.
- "Issuing notice to defaulting jurors, each, twenty-five cents.
- "Issuing fi. fa. against defaulting jurors, fifty cents.
- "Filing any paper, not relating to any suit pending, and not heretofore provided for, fifteen cents.
- "All proceedings in tavern or eating house licenses, except certificate, one dollar.
- "All proceedings on pedler's license, one dollar.
- "Every warrant of seizure, and proceedings thereon, one dollar.

"The fees for service not herein specially provided, shall be the same as for similar services," is hereby amended to read as follows:—

Section 4. The fees of the several clerks of the court of quarter sessions of the several counties of this Commonwealth shall be as follows:

Venire for and swearing grand jury, to be paid by the county, one dollar.

Venire for and swearing petit jury, to be paid by the county, one dollar.

Venire for and swearing special jury, to be paid by the county, one dollar.

Filing and entering, if necessary, all papers relating to one prosecution where true bills are found, including arraignment of defendant, entering pleas, and stationery, one dollar and fifty cents.

The same service where bill is returned ignoramus, including discharge by proclamation, seventy-five cents.

Calling recognizance, and entry of forfeiture, twenty cents.

Taking recognizance in court, each person, twenty-five cents.

Respiteing or discharging forfeited recognizance and motion therefor, fifteen cents.

Every motion and rule, twenty-five cents.

Continuance, ten cents.

Entering retraction of pleas or nolle prosequi, twenty cents.

Entering submission and judgment, sixty cents.

Swearing jury, witnesses, constable, and entering verdict and judgment, sixty cents.

All services in cases of surety of the peace and desertion, two dollars.

Process on indictment, docket entry and return, seventy-five cents.

Copy of rule or order of court, with certificate and seal, forty cents.

Filing petition, entry, and order thereon, seventy-five cents.

Filing and docketing petition for the appointment of viewers, filing report, and confirmation, five dollars.

Recording return of viewers and confirmation, for every one hundred words, twenty-five cents.

Order to open road under seal, two dollars.

Certificate for pay of road or bridge viewers, to be paid by the county, each case, fifty cents.

Constable's bond, one dollar.

Receiving and entering constable's return, to be paid by the county, twenty-five cents.

Filing and recording returns of borough and township elections, each district, to be paid by the county, three dollars.

Issuing subpoena under seal, thirty cents.

Each name after the first, two cents.

Issuing attachment, entering motion therefor and return, one dollar.

Copy of record, or of any paper filed, for every hundred words, twenty-five cents.

Certificate and seal, fifty cents.

Every search, where no other service is performed to which any fee is attached, twenty-five cents.

Taxing costs other than the clerk of the sessions, twenty-five cents.

Retaxing parties' bill or costs and making report, fifty cents.

Making return to writ of error, one dollar.

Entering proceedings of supreme court, one dollar.

Entering proceedings of superior court, one dollar.

Entering appeals from justices, forty cents.

Certificate for pay for jurors, each juror, to be paid by the county, fifty cents.

Certificate for pay for constables, each constable, to be paid by the county, fifty cents. Issuing notice to defaulting jurors, each, twenty-five cents.

Issuing fi. fa. against defaulting jurors, fifty cents.

Filing any paper not relating to any suit pending, and not heretofore provided for, twenty-five cents.

All proceedings in tavern or eating house licenses, except certificate, one dollar.

All proceedings on peddler's license, one dollar.

Every warrant of seizure, and proceedings thereon, one dollar.

Tax bond, one dollar.

Bail piece, one dollar.

Bench warrants, one dollar.

Commitment to county prison, fifty cents.

Commitment to State penitentiary, one dollar.

Commitment to House of Refuge, one dollar.

Commitment to protectory, one dollar.

Certificate for constable, fifty cents.

Certificate for school directors, fifty cents.

Notifying election officers of their election, to be paid by the county, each, fifty cents.

Certificate for sheriff to draw grand petit jurors, one dollar.

Certificate for sheriff to draw special jurors, one dollar.

Commission on lunacy, swearing commission, filing and recording, etc., two dollars and fifty cents.

Certified copy or record, bill of indictment, two dollars.

Certified copy of docket entries, one dollar.

Certified copy of docket entries in road cases, one dollar.

Dog registry, one dollar.

Discharge on ignored bill, fifty cents.

Discharge on bail entered, fifty cents.

Discharge prisoner from dock, twenty-five cents.

Exemplification of the record, homicide cases, four dollars.

Exemplification of the record, general cases, two dollars.

Filing and entering reasons for new trial, fifty cents.

Filing and entering motions in arrest of judgment, fifty cents.

Entering a nolle prosequi, one dollar.

Seal in every case, twenty-five cents.

Filing and entering inquisitions, to be paid by the county, fifty cents.

Filing and entering election expenses statements, to be paid by the county, fifty cents.

Entering any order of the court, minimum, fifty cents.

Filing and docketing any petition not herein provided for, two dollars and fifty cents.

Filing and docketing appeal from award of road jury, one dollar and twenty-five cents.

Certificate for road damages, fifty cents.

Entering rule to take depositions, fifty cents.

Services of each minute clerk during sessions of the court, to be paid by the county, per day, four dollars.

Report to Board of Public Charities, five dollars.

Precipe for argument, twenty-five cents.

Filing and entering opinion and docket entries, one dollar.

Filing and entering financial statements of surety companies, one dollar.

Filing and entering auditor's report, one dollar.

Placing case on argument list, twenty-five cents.

Filing and entering appointments made by the court, to be paid by the county, two dollars and fifty cents.

Certificates of appointment, to be paid by the county, fifty cents.

Filing and entering appeal from report of auditors, two dollars and fifty cents.

Reporting election of supervisors to the State Highway Department, to be paid by the county, each, fifty cents.

Preparing files and records for cases on trial or argument list, to be paid by the county, each case, fifty cents.

Filing and entering notes of testimony, fifty cents.

Filing and entering plan or topographical survey, one dollar.

Filing Commonwealth bill of costs, twenty-five cents.

Filing and entering prison report, one dollar.

Filing and entering poor directors' report, one dollar.

Receiving and paying out moneys in desertion and non-support cases, to be paid by the county, per case, per annum, one dollar.

Filing and docketing juvenile cases, per case, two dollars and fifty cents.

Filing, entering and docketing petitions for discharge from reformatories, per case, to be paid by the county, two dollars and fifty cents.

The fees for services not herein specially provided shall be the same as for similar services.

Section 2. The fifth section of said act, which reads as follows:—

“Section 5. All services performed in any one prosecution where a bill is found, except for subpoenas, attachments for witnesses, or process on indictment, four dollars.

“When bill is returned ignoramus, one dollar and twenty-five cents.

“For subpoenas, attachments, seal and certificate, and capias, and other services not herein provided for, same fees as are allowed to clerk of quarter sessions,” is hereby amended to read as follows:—

Section 5. All services performed in any one prosecution where a bill is found, except for subpoenas, attachments for witnesses, or process on indictment, four dollars.

When bill is returned ignoramus, two dollars.

For subpoenas, attachments, seal and certificate, and capias, and other services not herein provided for, same fees as are allowed to clerk of quarter sessions.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, June 22, 1917.

To the Honorable, the Senate of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, Senate bill No. 615, entitled, "An act to amend sections four and five of an act, approved the second day of April, one thousand eight hundred and sixty-eight, entitled 'An act to ascertain and appoint the fees to be received by the several officers of this Commonwealth.'"

This bill amends sections four and five of the act of April second, 1868 (P. L. 7), regulating the fees of clerk of courts of quarter sessions. There are at least fifty items in this bill for which fees are proposed that are not now enumerated in the laws governing in such cases. Moreover, this bill increases in about twenty items the amount of fees allowed by law. In most cases the increase is 100 per cent. The effect on the whole is greatly to increase the cost of service in the offices of these courts. Inasmuch as most of the costs in such cases is paid by the counties interested, it would very materially increase the expenses to these counties. In the largest judicial counties the responsible officials object to this added expense. It is inopportune to ask that these fees be so greatly increased. There is no lack of willing clerks for these places and the compensation now is fully up to the average for such qualified service. There is no evidence of hardship to the clerks and no evidence of increased service to the community.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 71.

AN ACT

Making an appropriation to the Pennsylvania State College.

Section 1. Be it enacted, &c., That, in order to assist in meeting the extraordinary needs of agriculture in the present great emergency, in increasing and conserving the food supply through immediate organization of additional county work and other extension service in agriculture and home economics, the sum of twenty-five thousand (\$25,000) dollars, or so much thereof as may be necessary, is hereby appropriated to the Pennsylvania State College; the same to be immediately available upon the approval of this act.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, June 22, 1917.

To the Honorable, the Senate of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, Senate bill No. 323, entitled "An act making an appropriation to the Pennsylvania State College."

9—Vetoed.

This bill makes an emergency appropriation to State College to assist in meeting the extraordinary needs of agriculture in the present emergency. The bill was introduced February 26, 1917. It is certified to me under date of June 13, and the emergency equality is wholly lost in the delay in its passage. The emergency was manifest in the dominant planting season. Since then the National Government has taken up this work and the State Committee of Public Safety has with State College gladly cooperated. The general appropriation to State College will soon be available and the necessity of this emergency fund thus disappears, with no embarrassment whatever to the State College. Had this bill reached me early in the season it would have been approved. Its delay has removed its necessity.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 72.

AN ACT

Authorizing the Superintendent of Public Instruction to appoint one clerk, who shall be an expert stenographer, and four stenographers, and fixing their salaries.

Section 1. Be it enacted, &c., That the Superintendent of Public Instruction is authorized to appoint, in the Department of Public Instruction, one clerk, who shall be an expert stenographer, and who shall act also as clerk to the Bureau of Medical Education and Licensure and as clerk to the Dental Council. The salary of said clerk and expert stenographer shall be two thousand dollars per annum.

The Superintendent of Public Instruction is also authorized to appoint, in the Department of Public Instruction, four skilled stenographers and typewriters, at a salary of twelve hundred dollars each per annum.

Section 2. The salaries of the aforesaid clerk and stenographers shall be paid semimonthly, in the manner now provided by law, by the State Treasurer, upon warrant of the Auditor General.

Section 3. The act approved the twenty-sixth day of June, one thousand eight hundred ninety-five (Pamphlet Laws, three hundred twenty-four), entitled "An act authorizing the Superintendent of Public Instruction to employ a skilled stenographer and typewriter in the Department of Public Instruction," and the act approved the second day of March, one thousand nine hundred five (Pamphlet Laws, thirty-two), entitled "An act authorizing the Superintendent of Public Instruction to employ an additional skilled stenographer and typewriter in the Department of Public Instruction," are hereby repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, June 22, 1917.

To the Honorable, the Senate of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, Senate bill No. 784, entitled "An act authorizing the Superintendent of Public Instruction to appoint one clerk, who shall be an expert stenographer, and four stenographers, and fixing their salaries."

This bill increases the salaries of five members of the Department of Public Instruction and does not take into consideration other stenographers in the same department whose salaries are much less than that now paid to these stenographers. There is no equity in the provisions of the bill. It is concurrently necessary to deny many other salary increases for the same reason. The Assembly has not enacted revenue producing measures adequate to the expenses the Assembly authorizes. To deny some and grant others is manifestly unfair and unwise.

To increase the cost of stenographic service in a part of a department and not in all of its divisions, or to increase the cost in one department and deny it in another, is not just. Since the public funds do not warrant general increases, and because the unexpected drains upon the Treasury at this time, due to the war situation, it is regrettably necessary to withhold approval of these special cases.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 73.

AN ACT

To amend an act, approved the fourteenth day of May, one thousand nine hundred and fifteen, entitled "An act providing a system of government for boroughs, and revising, amending, and consolidating the law relating to boroughs."

Section 1. Be it enacted, &c., That section seven, article four of chapter seven of the act, approved the fourteenth day of May, one thousand nine hundred and fifteen, entitled "An act providing a system of government for boroughs, and revising, amending, and consolidating the law relating to boroughs," which reads as follows:—

"Section 7. Any person interested may order the appeal upon the argument list, and evidence may be taken before any person authorized to administer oaths, upon rule for that purpose served upon the opposite party," is hereby amended to read as follows:—

Section 7. Any person interested may order the appeal upon the argument list, and evidence may be taken before any person authorized to administer oaths, upon rule for that purpose served upon the opposite party.

In any proceeding upon an appeal from a report of auditors of any borough, the accounts of the officer or officers in question may be investigated de novo. In any appeal from such settlement, audit,

or report, the burden shall be upon each officer, whose acts are involved in the appeal, of establishing, by evidence from original sources, his rights to credits claimed by him; but the opposing party in such appeal may offer any facts, figures, or findings of the report of audit in evidence, and in such case the same shall be taken as prima facie correct.

When more than one appeal from a report of such auditors shall have been taken, whether by the borough or an officer thereof, or by a taxpayer, or any or all of them, the court shall, upon petition of any party interested, direct the several appeals to be disposed of in a single proceeding.

Section 2. That section three, article five of chapter seven of said act, which reads as follows:

"Section 3. The borough controller shall superintend the fiscal concerns of the borough. He shall examine, audit, and settle all accounts whatsoever in which the borough is concerned either as debtor or creditor, where provision for the settlement thereof, is made by law; and where no such provision or an insufficient provision has been made, he shall examine such accounts and report to the borough council the facts relating thereto, with his opinion thereon," is hereby amended to read as follows:—

Section 3. The borough controller shall superintend the fiscal concerns of the borough. He shall examine, audit, and settle all accounts whatsoever in which the borough is concerned either as debtor or creditor, where provision for the settlement thereof is made by law; and where no such provision or an insufficient provision has been made, he shall examine such accounts and report to the borough council the facts relating thereto, with his opinion thereon.

The controller, in addition to the above audits, shall annually audit, settle and adjust the accounts for the immediate preceding fiscal year in which the borough is concerned, and for any preceding fiscal year of any officer which have not previously been audited, settled and adjusted. He shall finish said audit, settlement, and adjustment, and file in the office of the prothonotary of the county in which such borough may be situated, a report thereof, within sixty days after the beginning of the current fiscal year, setting forth an itemized statement of the charges against, and credits of, said officers, and any balance or surcharge against them. The amount of any expenditure of a kind, or made in a manner, not authorized by law, or which causes a financial loss to the borough, shall be surcharged in the report of such settlement and audit against any officer, who, by vote, act, or neglect, has approved or permitted such expenditure. Any balance or surcharge against any such officer shall be entered by the prothonotary as a judgment against him, unless he shall appeal from said report as hereinafter provided.

Section 3. Article five of chapter seven of said act is hereby amended by adding thereto the following sections:

Section 13. That it shall be lawful for the borough or any taxpayer thereof on its behalf, or any officer against whom any sum shall be charged in the report of audit as filed in the office of the prothonotary, to appeal therefrom to the court of common pleas within thirty days after the same shall be filed in the prothonotary's office. The appeal shall be filed to the same number and term in which the

report has been filed. If the appellant is a taxpayer, or any officer charged as aforesaid, he shall file a bond with one or more sufficient sureties conditioned to pay all costs thereafter accruing in case a decision more favorable to the party on whose behalf the appeal shall be taken than that contained in the report of audit shall not be obtained.

Section 14. In case any appeal shall be taken, as aforesaid, the same may be placed upon the argument list of said court by either party. Testimony and evidence as to the accounts of any such officer may be taken before the said court, or by depositions, as the court may direct, in the course of which the said accounts may be investigated de novo; but, in any appeal from such settlement, audit, or report, the burden shall be upon each officer whose acts are involved in the appeal of establishing, by evidence from original sources, his rights to credits claimed by him; but the opposing party in such appeal may offer any facts, figures, or findings of the report of audit in evidence, and in such case the same shall be taken as *prima facie* correct.

Section 15. After argument of said appeal the court shall file its conclusions of fact and law, and answers to any requests, and enter judgment in accordance therewith in favor of, and against, the proper parties. After argument, the court may direct an issue, to be tried by a jury as to any specific disputed questions of fact. Appeals may be taken, by any person interested, to the Superior or Supreme Court from any such judgment of the court of common pleas, in the same way that appeals are now authorized by law to be taken.

Section 16. When any appeal to the court of common pleas shall be taken, as aforesaid, by the borough or any officer charged in said report with any sum of money, any taxpayer may come into court and intervene in said appeal, and on behalf of the borough may cause the same to be prosecuted to final judgment, in the same manner and with the same effect as the borough authorities could do. Such taxpayer shall, at the time of intervening, file in said court a bond, with one or more sufficient sureties, conditioned to indemnify the borough from all costs that may accrue by reason of such intervention subsequently thereto.

Collection of any judgment against any borough officer, entered by virtue of a controller's report of audit, or in the course of an appeal therefrom, may be enforced against such officer and his sureties by the borough, or any taxpayer thereof on its behalf, by any appropriate proceeding executionary or otherwise.

Section 17. When more than one appeal from a controller's report of audit shall have been taken, whether by the borough, a borough officer or officers, or a taxpayer, or any or all of them, the court of common pleas shall, upon petition of any party interested, direct the several appeals to be disposed of in a single proceeding.

Section 18. Every borough controller shall retain in his possession, during the thirty days' period elapsing between the date of filing his report and the expiration of the time for filing the appeal therefrom, all books, documents, vouchers, checks, and other papers which have been produced before him in the course of his audit of the accounts of borough officers, and, if any appeal shall be taken, shall continue to hold the same for production in the proceeding to determine the appeal.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, June 22, 1917.

To the Honorable, the Senate of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, Senate bill No. 666, entitled "An act to amend an act, approved the fourteenth day of May, one thousand nine hundred and fifteen, entitled 'An act providing a system of government for boroughs, and revising, amending, and consolidating the law relating to boroughs.'"

This bill amends the act of May 14, 1915 (P. L. 312), generally known as the Borough Code, with respect to the articles relating to borough auditors and borough controllers.

It provides that on an appeal from borough auditors, the matter may be investigated *de novo*, instead of being limited to the items or matter excepted to. It further provides that the burden of establishing credits shall always be on the officer claiming the credits. The reverse is now the law. It further provides that the officer whose accounts are excepted to must establish his case by evidence from original sources, while the exceptant may offer as *prima facie* evidence any facts, figures, or findings for the report.

The Borough Code of 1915 was most carefully drawn by the attorney of the boroughs and the legal departments here, and is a complete and consistent body of law which should have free and full trial before amendment.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 74.

AN ACT

To amend section one of an act, approved the twenty-second day of May, Anno Domini one thousand eight hundred and ninety-five, entitled "An act authorizing the county commissioners of the several counties in this Commonwealth to appoint a county solicitor, fix his compensation and prescribe the term and duties of the solicitor," authorizing the appointment of assistant county solicitors.

Section 1. Be it enacted, &c., That the first section of the act, approved the twenty-second day of May, Anno Domini one thousand eight hundred and ninety-five (Pamphlet Laws, one hundred and one), entitled "An act authorizing the county commissioners of the several counties in this Commonwealth to appoint a county solicitor, fix his compensation, and prescribe the term and duties of the solicitor," which reads as follows:—

"Section 1. Be it enacted, &c., That the county commissioners of the several counties within this Commonwealth shall constitute a board, a majority of whom shall have authority to appoint a county solicitor, who shall be an attorney at law, admitted and qualified to practice in the courts of this Commonwealth," shall be, and the same is hereby, amended to read as follows:—

Section 1. Be it enacted, &c., That the county commissioners of the several counties within this Commonwealth shall constitute a board, a majority of whom shall have authority to appoint a county solicitor and such assistant county solicitors as they may deem necessary for the proper transaction of the legal business of such county. The county solicitor and assistants shall hold office during the term of the commissioners constituting such board, and shall receive such compensation as the commissioners, by resolution, may determine. The solicitor and assistant solicitors shall be attorneys at law, admitted and qualified to practice in the courts of this Commonwealth. The assistant county solicitors shall perform such services as are imposed upon them by the county solicitor and county commissioners.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, June 23, 1917.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, House bill No. 611, entitled "An act to amend section one of an act, approved the twenty-second day of May, Anno Domini one thousand eight hundred and ninety-five, entitled 'An act authorizing the county commissioners of the several counties in this Commonwealth to appoint a county solicitor, fix his compensation and prescribe the term and duties of the solicitor,' authorizing the appointment of assistant county solicitors."

This bill amends section 1 of the act of May 22, 1895 (P. L. 101), by authorizing county commissioners to appoint in addition to the present county solicitor such additional solicitors, to be known as assistant county solicitors, as they may deem necessary and empowering the said commissioners to fix proper compensation for the same.

This is useless legislation. It opens the way for additional burdens of expense upon the people with no commensurate check thereon. Unquestionably when the business of a county requires the services of additional solicitors the county will upon due petition resolve the matter properly as is now done in some counties of the Commonwealth. It is better to have it so than to give legal permission to create endlessly additional positions and subject county commissioners to the importuning of the friends of those desiring place at the expense of the public.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 75.

AN ACT

To amend section four of an act, approved the seventeenth day of April, one thousand nine hundred thirteen, entitled "An act for the better protection of wild birds and game within the Commonwealth of Pennsylvania; requiring citizens of the United States residing within this State to procure a license before using guns for the purpose of hunting for any wild birds or animals protected by the laws of this Commonwealth; and providing penalties for violation of its several provisions, and the manner of proceeding to enforce compliance therewith; and providing for the disposition of the license fees, fines, and penalties received."

Section 1. Be it enacted, &c., That section four of an act, approved the seventeenth day of April, one thousand nine hundred thirteen (Pamphlet Laws, eighty-five), entitled "An act for the better protection of wild birds and game within the Commonwealth of Pennsylvania; requiring citizens of the United States residing within this State to procure a license before using guns for the purpose of hunting for any wild birds or animals protected by the laws of this Commonwealth; and providing penalties for violation of its several provisions, and the manner of proceeding to enforce compliance therewith; and providing for the disposition of the license fees, fines, and penalties received," which reads as follows:—

"Section 4. Each and every resident of this Commonwealth—such resident being a citizen of the United States—upon application made, verbally or in writing, to any county treasurer within the Commonwealth, and the presentation of proof that he is a citizen of the United States and a bona fide resident of this Commonwealth under the requirements of this act, and the payment to said county treasurer of one dollar, shall be entitled to what is herein designated as a 'Resident Hunter's License,' and a tag with the number of the license thereon: Provided, That no person under the age of sixteen years shall be entitled to or receive such license, without presenting a written request therefor, bearing the signature of his father or mother, or his legally constituted guardian: Provided further, That no person under fourteen years of age shall be granted a license. Said license shall be issued on a form prepared and supplied by the Board of Game Commissioners, at the cost of the Commonwealth. Such license shall bear a description of the person applying for the same, with the date of its issue; and shall authorize the person named therein to use legal firearms for the purpose of hunting and killing any of the wild animals or game-birds protected by the laws of this Commonwealth, under the restrictions and requirements of existing laws, during that year, the date of which is inscribed thereon. Said certificate shall become void upon the thirty-first day of December next following the date of issue. The Game Commission shall also furnish free of charge, and the county treasurer shall issue, with each license, a tag bearing the license number, in figures at least one inch in height, which tag said licensee is required to display on the back of the sleeve, between the elbow and the shoulder, in such manner that the figures be visible at all times while hunting: Provided, That it shall be lawful, under the provisions of this act, for any justice of the peace within this Commonwealth, who has qualified therefor by having applied to the county treasurer of the county in which he is located, and having received

and receipted for necessary blanks and tags, to issue a resident hunter's license and tag, on like conditions and in like manner as prescribed for the issuance of licenses by any county treasurer, upon payment of fifteen cents to said justice by the said licensee, in addition to the other dollar prescribed as the cost of said license; said fifteen cents to be retained by said justice of the peace as his fee for the issuance of said license and reporting the same, and remitting payment therefor to the county treasurer of the county in which said justice of the peace is located. Such report and remittance to be made and done by said justice of the peace within twenty-four hours after the issuance of said license by him. Whereupon said county treasurer shall make a record of, and otherwise treat, said license as though it had been issued from his office, except that he shall also note upon his record the name of the justice issuing the license. Every justice of the peace shall deliver the book or books from which he has issued licenses, together with the stubs therein properly filled out and showing the names of each licensee and the number of the license issued to him, to the treasurer of his county during the month of January of each year," is hereby amended to read as follows:—

Section 4. Each and every resident of this Commonwealth—such resident being a citizen of the United States—upon application made, verbally or in writing, to any county treasurer within the Commonwealth, and the presentation of proof that he is a citizen of the United States and a bona fide resident of this Commonwealth under the requirements of this act, and the payment to said county treasurer of one dollar, shall be entitled to what is herein designated as a "Resident Hunter's License," and a tag with the number of the license thereon: Provided, That no person under the age of sixteen years shall be entitled to or receive such license, without presenting a written request therefor, bearing the signature of his father or mother, or his legally constituted guardian: Provided further, That no person under fourteen years of age shall be granted a license. Said license shall be issued on a form prepared and supplied by the Board of Game Commissioners, in books or pads containing fifty forms each, at the cost of the Commonwealth. Such license shall bear a description of the person applying for the same, with the date of its issue, and shall authorize the person named therein to use legal firearms for the purpose of hunting and killing any of the wild animals or game-birds protected by the laws of this Commonwealth, under the restrictions and requirements of existing laws, during that year, the date of which is inscribed thereon. Said certificate shall become void upon the thirty-first day of December next following the date of issue. The Game Commission shall also furnish free of charge, and the county treasurer shall issue, with each license, a tag bearing the license number, in figures at least one inch in height, which tag said licensee is required to display on the back of the sleeve, between the elbow and the shoulder, in such manner that the figures be visible at all times while hunting: Provided, That it shall be lawful, under the provisions of this act, for any justice of the peace within this Commonwealth, who has qualified therefor by having applied to the county treasurer of the county in which he is located, and having received and receipted for necessary blanks and tags, to issue a resident hunter's license and tag, on like condi-

tions and in like manner as prescribed for the issuance of licenses by any county treasurer, upon payment of fifteen cents to said justice by the said licensee, in addition to the other dollar prescribed as the cost of said license; said fifteen cents to be retained by said justice of the peace as his fee for the issuance of said license and reporting the same, and remitting payment therefor to the county treasurer of the county in which said justice of the peace is located. Such report and remittance to be made and done by said justice of the peace within twenty-four hours after the issuance of said license by him. Whereupon said county treasurer shall make a record of, and otherwise treat, said license as though it had been issued from his office, except that he shall also note upon his record the name of the justice issuing the license. Every justice of the peace shall deliver the book or books, or pad or pads, from which he has issued licenses, together with the stubs therein properly filled out and showing the names of each licensee and the number of the license issued to him, to the treasurer of his county during the month of January of each year.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, June 23, 1917.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, House bill No. 621, entitled "An act to amend section four of an act, approved the seventeenth day of April, one thousand nine hundred thirteen, entitled 'An act for the better protection of wild birds and game within the Commonwealth of Pennsylvania; requiring citizens of the United States residing within this State to procure a license before using guns for the purpose of hunting for any wild birds or animals protected by the laws of this Commonwealth; and providing penalties for violation of its several provisions, and the manner of proceeding to enforce compliance therewith; and providing for the disposition of the license fees, fines, and penalties received.'"

This bill amends section 4 of the act of April 17, 1913 (P. L. 85), by directing that the forms supplied by the Board of Game Commissioners for use in paying licenses shall be made up in books or pads containing fifty forms each. There is no law now defining the form in which these license blanks are to be issued and no law is necessary. Some years ago the blanks were issued in pads of fifty and many justices of the peace did not use a full pad. Thus the serial order of the licenses was lost sight of. Then they were and now are issued in pads or books of 250 each to the county commissioners, who in turn send them to the justices. It may be that pads of twenty-five would be quite as convenient. The whole thing is too unimportant to be made a subject of legislation. It is purely an administrative detail and the Game Commission will see to it that the matter is so arranged as to avoid waste, minimize cost and secure satisfactory service.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 76.

AN ACT

Authorizing the Governor to fill vacancies in the office of county commissioners, in certain counties.

Section 1. Be it enacted, &c., That all vacancies in the office of county commissioners, happening by death, resignation, or otherwise, in counties having a population of over two hundred and fifty thousand inhabitants and less than five hundred thousand, shall be filled by appointment by the Governor of the Commonwealth for the unexpired term.

Section 2. All acts and parts of acts inconsistent with this act are hereby repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, June 23, 1917.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, House bill No. 999, entitled "An act authorizing the Governor to fill vacancies in the office of county commissioners, in certain counties."

This bill provides that in counties of 250,000 and under 500,000 inhabitants vacancies in the office of county commissioners shall be filled by the Governor. Vacancies on such boards are now by law filled by action of the surviving members and the court or courts of the county. This being uniform throughout the State it would be unwise to change in some counties to a new plan of filling such vacancies. The result would be confusion, and the bill is clearly special legislation, in conflict with Section 7, Article III of the Constitution.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 77.

AN ACT

To amend section fourteen hundred twelve of an act, approved the eighteenth day of May, one thousand nine hundred eleven, entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended.

Section 1. Be it enacted, &c., That section fourteen hundred twelve of an act, approved the eighteenth day of May, one thousand nine hundred eleven (Pamphlet Laws, three hundred and nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and

the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended by an act, approved the ninth day of May, one thousand nine hundred and thirteen (Pamphlet Laws, one hundred ninety-two), entitled "An act amending section one thousand four hundred twelve in article fourteen of an act, approved the eighteenth day of May, one thousand nine hundred and eleven, entitled 'An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith,' by requiring the free education in the public schools of children who are inmates of institutions for the care or training of orphans or other children," which reads as follows:—

"Section 1412. The board of school directors of any school district in this Commonwealth, in which there is located an orphan asylum, home for the friendless, children's home, or other institution for the care or training of orphans or other children, shall permit any children who are inmates of such homes, but not legal residents in such district, to attend the public schools in said district, either with or without charge for tuition, text-books or school supplies as the directors of the district in which such institution is located may determine: Provided, That when the education of such inmates of such institutions is charged for, the cost thereof shall not exceed the cost of tuition, text-books, and school supplies of other children of similar grade in such district: And provided further, That such cost shall be paid to the district in which such institution is located by the district of which the respective pupils are legal residents," is hereby further amended to read as follows:—

Section 1412. The board of school directors of any school district in this Commonwealth, in which there is located any orphan asylum, home for the friendless, children's home, or other institution for the care or training of orphans or other children, shall permit any children, who are inmates of such homes, but not legal residents in such district, to attend the public schools in said district, either with or without charge for tuition, text-books, or school supplies as the directors of the district in which such institution is located may determine: Provided, That when the education of such inmates of such institutions is charged for, the cost thereof shall not exceed the cost of tuition, text-books, and school supplies of other children of similar grade in such district: And provided further, That such cost shall be paid to the district in which such institution is located by the district of which the respective pupils are legal residents: Provided further, That where a school district in which such child is being educated is unable, after every reasonable effort has been made, to collect the cost of tuition, text-books, and school supplies from the district in which such child has a legal residence, the State Superintendent of Public Instruction shall pay to the district in which such child is being educated the cost of such tuition, text-books, and school supplies, which sum shall be deducted from the appropriation apportioned out of the general

school appropriation to the district in which such child has a legal residence: Provided further, That the orphan asylum, home for the friendless, children's home, or other institution for the care or training of orphans or other children, shall furnish to the proper officers of the school district in which such child is being educated a certified record of age, parentage, or guardianship, and designate the last place in which such child had a legal residence (residence being as defined in section fourteen hundred and two of this act): Provided further, That where the residence of a child being so educated is in dispute, the State Board of Education is authorized and empowered to determine, after full and complete examination of all available facts and information, the residence of such child, such determination to be final: Provided further, That in case no legal residence for any child can be established, or in case the child has a legal residence outside of the State, then the orphan asylum, home for the friendless, children's home, or other institution in which such child has a residence, shall pay the school district for the cost of tuition, text-books, and school supplies.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, June 23, 1917.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, House bill No. 1121, entitled "An act to amend section fourteen hundred and twelve of an act, approved the eighteenth day of May, one thousand nine hundred eleven, entitled 'An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith,' as amended."

This bill amends section 1412 of the School Code as amended by act of May 9, 1913 (P. L. 192), by providing that school directors of any school district in which an orphan asylum is located, when unable "after every reasonable effort has been made," to collect the cost of tuition of such orphans from the school district of their legal residence, then and in that case the State Superintendent shall pay to the district in which the child is being educated the cost of tuition and charge the said sum to the school district of the child's legal residence. It gives the State Board of Education power to determine legal residence finally when disputes arise.

Much confusion would ensue and a burden of duties not germane to his office would fall upon the State Superintendent, who now upon submitted evidence of the failure of a school district to pay such cost of tuition may and should withhold the State appropriation to such school district.

Suit against such defaulting school district will secure the money under existing law and since "every reasonable effort" has not been made until suit is brought the matter would be resolved by the courts before any action could be taken under this bill to enforce payment of such tuition.

The courts and not an administration board constitutes this forum to determine the child's residence, and in this respect this bill is unconstitutional.

While payment of this form of tuition is a difficult matter and where local authorities fail to apply to the courts for enforced payment, hardship may fall upon the school district in which such children are educated, this bill will only further complicate this situation and will not bring the relief prayed for.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 78.

AN ACT

Making an appropriation to refund to Washington Hall Association, of Mount Carmel, Northumberland County, Pennsylvania, a certain sum erroneously paid into the State Treasury as capital stock tax.

Section 1. Be it enacted, &c., That the sum of three hundred and twenty dollars and seventy-nine cents (\$320.79) is hereby specifically appropriated to the Washington Hall Association, of Mount Carmel, Northumberland County, Pennsylvania, for the purpose of refunding moneys erroneously paid into the State Treasury as capital stock tax.

Section 2. The Auditor General is directed to draw his warrant on the State Treasurer in favor of the Washington Hall Association aforesaid, on due proof that such money was, as aforesaid erroneously, actually paid into the State Treasury.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, June 23, 1917.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania.

Gentlemen: I return herewith, without my approval, House bill No. 1600, entitled, "An act making an appropriation to refund to Washington Hall Association, of Mount Carmel, Northumberland County, Pennsylvania, a certain sum erroneously paid into the State Treasury as capital stock tax."

This bill appropriates \$320.79 to Washington Hall Association, of Mount Carmel, as reimbursement for money alleged to have been paid erroneously into the State Treasury.

The proper legal agency to determine whether or not such moneys are payable or whether moneys have been erroneously charged against a corporation is the Board of Public Accounts. The Legislature is not in possession of the proper data to warrant this action. The law has designated the orderly way to be followed and it should be observed. If upon proper evidence before this board the claim is duly established payment will follow by due process of law.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

VETOES.

BILLS FILED IN THE OFFICE OF THE SECRETARY OF THE COMMONWEALTH BY THE GOVERNOR, WITH HIS OBJECTIONS THERETO, WITHIN THIRTY DAYS AFTER THE ADJOURNMENT OF THE LEGISLATURE ON THE 28TH DAY OF JUNE, A. D. 1917.

No. 79.

AN ACT

To amend an act, approved the twenty-eighth day of May, one thousand nine hundred thirteen, entitled "An act authorizing and empowering township supervisors, in townships of the second class, to enter into contract with electric, gas, or other light companies, for the purpose of lighting and illuminating the streets, highways and other public places in any village in said township; and to provide for the collection of funds for that purpose by levying a tax upon owners of property in the district benefited," by providing, also, for the levying of a tax upon taxable residents in the district benefited.

Section 1. Be it enacted, &c., That section one of an act, approved the twenty-eighth day of May, one thousand nine hundred thirteen (Pamphlet Laws, three hundred seventy-one), entitled "An act authorizing and empowering township supervisors, in townships of the second class, to enter into contract with electric, gas, or other light companies, for the purpose of lighting and illuminating the streets, highways, and other public places in any village in said township; and to provide for the collection of funds for that purpose by levying a tax upon owners of property in the district benefited," which reads as follows:—

"Section 1. Be it enacted, &c., That the township supervisors of any township of the second class in this Commonwealth are hereby authorized and empowered, on the petition of the owners of a majority of the lineal feet frontage along any highway, or portion thereof, in any village within said township, to enter into contract with electric, gas, or other lighting companies, to light and illuminate the streets, highways, and other public places in said villages with electric light, gas light, or other illuminant," be, and the same is hereby, amended to read as follows:—

Section 1. Be it enacted, &c., That the township supervisors of any township of the second class in this Commonwealth are hereby authorized and empowered, on the petition of the owners of a majority of the lineal feet frontage, or on the petition of a majority of the taxable residents, along any highway, or portion thereof, in any village within said township, to enter into contract with electric, gas, or other lighting companies to light and illuminate the streets, highways, and other public places in said villages with electric light, gas light, or other illuminant.

Section 2. That section two of said act, which reads as follows:—

"Section 2. The township supervisors shall levy, for the maintenance of said lights, an annual tax upon the property abutting upon the said streets, highways, and other public places in the district benefited thereby, based upon the assessment for county purposes. Such tax shall become a lien against such property to the same extent, and with the same effect, as other liens for taxes now authorized by law, and shall be collected in the same manner as other taxes; the collector of taxes to receive the same commission as on the road tax: Provided, That no tax as herein provided shall be levied against any farm land; nor shall any property be assessed hereunder, or included in the provisions hereof, unless the residence thereon shall be within five hundred feet of such highway," be, and the same is hereby, amended to read as follows:—

Section 2. The township supervisors shall levy, for the maintenance of said lights, an annual tax upon the property abutting upon the said streets, highways, and other public places, and upon all residents taxable for township purposes, in the district benefited thereby, based upon the assessment for county purposes. Such tax shall be collected in the same manner as other taxes for township purposes, the collector of taxes to receive the same commission as on the road tax: Provided, That no tax as herein provided shall be levied against any farm land; nor shall any property be assessed hereunder, or included in the provisions hereof, unless any building thereon shall be within five hundred feet of such highway.

Commonwealth of Pennsylvania.

Executive Chamber,
Harrisburg, June 28, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objection, House bill No. 149, entitled "An act to amend an act, approved the twenty-eighth day of May, one thousand nine hundred thirteen, entitled 'An act authorizing, and empowering township supervisors, in townships of the second class, to enter into contract with electric, gas, or other light companies, for the purpose of lighting and illuminating the streets, highways, and other public places in any village in said township; and to provide for the collection of funds for that purpose by levying a tax upon owners of property in the district benefited,' by providing, also, for the levying of a tax upon taxable residents in the district benefited."

This bill is an amendment to the act of May 28, 1913 (P. L. 371), and provides a new basis for taxing the citizens for electric, gas, or other form of light along streets, highways, and other public places in villages of such townships.

The title is flagrantly defective. It does not serve notice of the fact that a new class of persons—residents—may petition for the making of contracts. Under the existing law only property owners may so petition. The universal meaning of titles is found in *Expressio unius est exclusio alterius*.

Township supervisors can now make contracts for such lighting upon petition of the property owners in interest. To change this to taxable residents would be an infringement upon the rights of those owning property and who have the rights to its enjoyment. The present law is right. It should not be changed. This bill would work grave injustice to property owners and discourage citizens from owning their own homes in villages.

Any law that discourages, where it should encourage to laudable establishment of owned homes, is not a good law.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 80.

AN ACT

Regulating salaries of clerks in office of recorder of deeds, in any county having a population of one million four hundred thousand inhabitants and over.

Section 1. Be it enacted, &c., That hereafter transcribing clerks, registration clerks, compare clerks, and miscellaneous clerks in the office of recorder of deeds, in any county having a population of one million four hundred thousand inhabitants and over, shall each receive an annual salary of fifteen hundred dollars.

Section 2. All acts and parts of acts inconsistent with this act are hereby repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, June 28, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objection, House bill No. 1149, entitled "An act regulating salaries of clerks in office of recorder of deeds, in any county having a population of one million four hundred thousand inhabitants and over."

The purpose of this bill is to increase salaries of clerks in the office of the recorder of deeds in counties having a population 1,400,000 or over. It is a salary raiser in certain defined counties, and such salary matters ought to be determined by the local authorities who know the facts, and not by the State, whose interest is remote and whose knowledge of the facts is scant. The counties have the obligation to pay, why not the right to determine salaries? The State is not liable for the increased cost of this service, why should it decree the increase? It is a local matter and properly should be left to local regulation.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 81.

AN ACT

To amend an act, approved the tenth day of July, one thousand nine hundred and one, entitled "A further supplement to an act, entitled 'An act to carry into effect section five of article fourteenth of the Constitution, relative to the salaries of county officers and the payment of fees received by them into the State or county treasury, in counties over one hundred and fifty thousand inhabitants,' approved thirty-first March, one thousand eight hundred and seventy-six, as amended by act of eleventh May, one thousand eight hundred and eighty-one, and as further amended by act of second June, one thousand eight hundred and eighty-seven, providing for the salaries of county officers in counties containing over two hundred and fifty thousand and less than five hundred thousand inhabitants."

Section 1. Be it enacted, &c., That the act, approved the tenth day of July, one thousand nine hundred and one (Pamphlet Laws, six hundred forty-one), entitled "A further supplement to an act, entitled 'An act to carry into effect section five of article fourteenth of the Constitution, relative to the salaries of county officers and the payment of fees received by them into the State or county treasury, in counties over one hundred and fifty thousand inhabitants,' approved the thirty-first March, one thousand eight hundred and seventy-six, as amended by act of eleventh May, one thousand eight hundred and eighty-one, and as further amended by act of second June, one thousand eight hundred and eighty-seven, providing for the salaries of county officers in counties containing over two hundred and fifty thousand and less than five hundred thousand inhabitants," which reads as follows:—

"The annual salaries of all county officers in the counties to which this act applies, which shall have less than five hundred thousand inhabitants each, and more than two hundred and fifty thousand inhabitants each, be as follows, namely:

"Of the district attorney, five thousand dollars.

"Two assistant district attorneys, each one thousand eight hundred dollars.

"Of the sheriff, six thousand dollars.

"Of the coroner, two thousand dollars.

"Of the prothonotary, six thousand dollars.

"Of the clerk of the courts, four thousand dollars.

"Of the register of wills and ex officio clerk to the orphans' court, four thousand dollars.

"Of the recorder of deeds, four thousand dollars.

"Of the county treasurer, five thousand dollars.

"Of county controller, four thousand dollars.

"Of county surveyor, where such office exists, one hundred dollars.

"Of county engineer, where such office exists, one hundred dollars.

"Provided, That where the offices of county surveyor and county engineer are held by the same person, he shall receive the salary of county engineer only.

"Of county commissioner, each three thousand dollars.

"Of county solicitor, one thousand five hundred dollars.

"Of county prison warden, two thousand five hundred dollars.

"Of county detective or special detective, appointed by the district attorney with the approval of the court of quarter sessions, under act of nineteenth May, one thousand eight hundred seventy-four, one thousand eight hundred dollars.

"Of jury commissioners each six hundred dollars," is hereby amended to read as follows:—

The annual salaries of all county officers in the counties to which this act applies, which shall have less than five hundred thousand inhabitants each, and more than two hundred and fifty thousand inhabitants each, be as follows, namely:

Of the district attorney, five thousand dollars.

Two assistant district attorneys, each one thousand eight hundred dollars.

Of the sheriff, six thousand dollars.

Of the coroner, two thousand dollars.

Of the prothonotary, six thousand dollars.

Of the clerk of the courts, four thousand dollars.

Of the register of wills and ex officio clerk to the orphans' court, four thousand dollars.

Of the recorder of deeds, four thousand dollars.

Of the county treasurer, five thousand dollars.

Of the county controller, five thousand dollars.

Of county surveyor, where such office exists, one hundred dollars.

Of county engineer, where such office exists, one hundred dollars.

Provided, That where the offices of county surveyor and county engineer are held by the same person, he shall receive the salary of county engineer only.

Of county commissioners, each five thousand dollars.

Of county solicitor, three thousand dollars.

Of county prison warden, two thousand five hundred dollars.

Of county detective or special detective, appointed by the district attorney with the approval of the court of quarter sessions, under act of nineteenth May, one thousand eight hundred seventy-four, one thousand eight hundred dollars.

Of jury commissioners, each twelve hundred dollars.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, June 28, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objection, House bill No. 1281, entitled "An act to amend an act, approved the tenth day of July, one thousand nine hundred and one, entitled 'A further supplement to an act, entitled 'An act to carry into effect section five of article fourteenth of the Constitution, relative to the salaries of county officers and the payment of fees received by them into the State or county treasury, in counties over one hundred and fifty thousand inhabitants,' approved thirty-first March, one thousand eight hundred and seventy-six, as amended by act of eleventh May, one thousand eight hundred and eighty-one, and as further amended by act of second June, one thou-

sand eight hundred and eighty-seven, providing for the salaries of county officers in counties containing over two hundred and fifty thousand and less than five hundred thousand inhabitants."

The purpose of this bill is to increase the salaries of certain officials in counties having over 250,000 and less than 500,000 inhabitants, as follows:

1. The county controller, from \$4,000 to \$5,000 per year.
2. The county commissioners, from \$3,000 to \$5,000 per year.
3. The county solicitor, from \$1,500 to \$3,000 per year.
4. The jury commissioners, from \$600 to \$1,200 dollars per year.

Just why these officials should be singled out for increases, and all others not so assisted, is not manifest. The present schedule of salaries seems to be vastly more equitable, taken as a whole, than would such salaries under this bill. A scrutiny of the changes and of the salaries unchanged convinces me that this bill is not drawn in equitable consideration of the functions of county officials as a whole. There is, moreover, assurance from the counties concerned that there is no dearth of citizens willing to serve at the current salaries. The people have not asked for, but protested against, this increased burden of administration in these counties. There is no evidence that better service would ensue. The people would pay the bill and derive no corresponding benefit.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 82.

AN ACT

Relating to the collection of county taxes in cities of the third class; providing for a notice of taxes due; and providing for rebates and penalties on such taxes in certain cases.

Section 1. Be it enacted, &c., That all tax collectors of county taxes, in cities of the third class, shall, within thirty days after receiving the tax duplicate from the county commissioners, notify every taxable whose name appears on such duplicate. Such notice shall contain the rate of taxation, the valuation of the property of such taxable, the occupation of such taxable, and the full amount of taxes for which said taxable is liable for the current year. Such notice shall further state that such taxes are payable; shall designate a place where, and a time or times when, they shall be paid. It shall further state the time within which the abatement of tax will be allowed, when the full amount of tax will be collected, and when an additional percentage will be added as a penalty as herein provided. Such notice shall be delivered, left, or mailed to the last known post-office address of each of said taxables.

All persons who shall pay the taxes charged against him in the duplicate within ninety days from the date of such notice shall be entitled to a reduction of five percentum from the amount thereof. All persons who fail to pay the taxes charged against them in the duplicate within six months after the date of the notice shall be

charged five per centum additional on the taxes charged against them, which shall be added thereto by the collector of taxes and be collected by him.

Section 2. The tax collectors may retain out of the taxes collected by them the actual printing and postage expenses incurred by them in performing the duties herein prescribed. Such amounts, so retained, shall be adjusted by the county commissioners at the time such collectors make settlement.

Section 3. Before any allowance is made by the county commissioners for commission due any collector for taxes collected, an affidavit shall be made by such collector setting forth that he has complied with the provisions of this act.

Section 4. This act shall not apply to cities of the third class operating under a special charter, and which have not accepted the provisions of the act of the twenty-third day of May, one thousand eight hundred and seventy-four, in the manner prescribed in the fifty-seventh section thereof. All other acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 5, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objection, House bill No. 398, entitled "An act relating to the collection of county taxes in cities of the third class; providing for a notice of taxes due; and providing for rebates and penalties on such taxes in certain cases."

This bill relates to the manner of collecting county taxes in cities of the third class. It creates a class within a class, by providing that it shall not apply to those cities of the third class operating under a special charter and have not accepted the act of 1874.

The Supreme Court (122 Pa. 266-282), very positively announced that classification beyond the three classes provided in the act of 1874 would not be permitted, since, as the court announced, "that act appears to have covered the entire ground of classification."

How a bill so flagrantly unconstitutional could pass the legislative bodies is difficult to understand. Since it has not a moiety of a constitutional warrant it is, of course, not necessary to encumber our courts with its provisions.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 83.

AN ACT

To amend section four of an act, entitled "A supplement to an act, entitled 'An act to establish a health office and to secure the city and port of Philadelphia from the introduction of pestilential and contagious diseases, and for other purposes,' approved the twenty-ninth day of January, one thousand eight hundred and eighteen (1818); empowering the Governor to suspend the State quarantine, creating a Quarantine Board, authorizing the Governor to appoint a quarantine physician, and to purchase or lease or acquire land for a State quarantine station, and thereupon to abandon the present Lazaretto," approved the fifth day of June, one thousand eight hundred and ninety-three.

Section 1. Be it enacted, &c., That section four of the act, entitled "A supplement to an act, entitled 'An act to establish a health office and to secure the city and port of Philadelphia from the introduction of pestilential and contagious diseases, and for other purposes,' approved the twenty-ninth day of January, one thousand eight hundred and eighteen (1818); empowering the Governor to suspend the State quarantine, creating a quarantine board, authorizing the Governor to appoint a quarantine physician, and to purchase or lease or acquire land for a State quarantine station, and thereupon to abandon the present Lazaretto," approved the fifth day of June, one thousand eight hundred and ninety-three, which reads as follows:—

"Section 4. The Governor is hereby authorized and required to appoint one physician, who shall be denominated the quarantine physician. The quarantine physician shall be the executive officer of the quarantine station.

"He shall be a practicing physician, and a graduate of at least ten (10) years' standing.

"He shall enforce all laws, rules, and regulations as provided for in this act, or as may be provided by the rules and regulations of the State Quarantine Board, respecting the detention, inspection, and disinfection of vessels and their crews, passengers, baggage, and cargoes, bound to any place within the Commonwealth of Pennsylvania on the Delaware River. The quarantine physician shall keep a record in book form of all vessels inspected by him, showing the date of inspection and the disposition made of each vessel. He shall also keep a hospital record in the usual form. He shall have the assistance of two deputies, to be appointed by himself, who shall receive as compensation the sum of two thousand dollars each; and the said quarantine physician, or one of his deputies, shall be on duty continuously at the quarantine station. The quarantine physician shall receive an annual salary of five thousand dollars. His salary and that of his deputies shall be paid by the State.

"The said deputies shall have and exercise all the powers and duties, by this act or by the rules and regulations of the State Quarantine Board, imposed upon the quarantine physician. They shall be graduates of at least three years' standing," is hereby amended so as to read as follows:—

Section 4. The Governor is hereby authorized and required to appoint one physician, who shall be denominated the quarantine physician. The quarantine physician shall be the executive officer of the quarantine station,

He shall be a practicing physician, and a graduate of at least ten (10) years' standing.

He shall enforce all laws, rules, and regulations as provided for in this act, or as may be provided by the rules and regulations of the State Quarantine Board, respecting the detention, inspection, and disinfection of vessels and their crews, passengers, baggage, and cargoes, bound to any place within the Commonwealth of Pennsylvania on the Delaware River. The quarantine physician shall keep a record in book form of all vessels inspected by him, showing the date of inspection and the disposition made of each vessel. He shall also keep a hospital record in the usual form. He shall have the assistance of two deputies, to be appointed by himself, who shall receive as compensation the sum of three thousand dollars each; and the said quarantine physician, or one of his deputies, shall be on duty continuously at the quarantine station. The quarantine physician shall receive an annual salary of five thousand dollars. His salary and that of his deputies shall be paid by the State.

The said deputies shall have and exercise all the powers and duties by this act, or by the rules and regulations of the State Quarantine Board, imposed upon the quarantine physician. They shall be graduates of at least three years' standing.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 5, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objection, House bill No. 455, entitled "An act to amend section four of an act, entitled 'A supplement to an act, entitled 'An act to establish a health office and to secure the city and port of Philadelphia from the introduction of pestilential and contagious diseases, and for other purposes,' approved the twenty-ninth day of January, one thousand eight hundred and eighteen (1818); empowering the Governor to suspend the State quarantine, creating a quarantine board, authorizing the Governor to appoint a quarantine physician, and to purchase or lease or acquire land for a State quarantine station, and thereupon to abandon the present Lazaretto,' approved the fifth day of June, one thousand eight hundred and ninety-three."

This bill increases the salaries of the deputy quarantine physicians from \$2,000 to \$3,000. These men perform valuable services in guarding the health of the people of the Commonwealth, particularly those of Philadelphia. They perhaps should have this increased compensation, but the Legislature has failed to provide funds adequate to the expenditures they have authorized. The Executive is obliged to take note of the resources of the Commonwealth and where these are not commensurate to the expenditures approved, it is his duty to deny such increases.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 84.

AN ACT

To provide for the reincorporation as a stock company of certain corporations, organized under the laws of Pennsylvania for the maintenance of a society for beneficial or protective purposes to its members from funds collected therein.

Section 1. Be it enacted, &c., That any corporation now formed or organized under the provisions of the ninth paragraph, section two of the act, entitled "An act to provide for the incorporation and regulation of certain corporations," approved the twenty-ninth day of April, one thousand eight hundred seventy-four, having for its object "the maintenance of a society for beneficial or protective purposes to its members from funds collected therein,"—except fraternal, benevolent, charitable, or secret societies, issuing beneficial certificates and paying benefits to their membership through the lodge system, and insurance for relief associations, formed by or for the exclusive benefit of employes of corporations or firms, or formed by or for the exclusive benefit of members of any religious corporation or association,—may be reincorporated in the manner following, that is to say: A meeting of the members of such corporation shall be held, and, if a majority shall vote in favor of the proposed reincorporation, a resolution to that effect shall be adopted; and, upon the recording of such resolution in the office for the recording of deeds, et cetera, in the county where such corporation has its principal office, it shall be lawful for the directors of such corporation to make and adopt articles of association hereunder, upon which articles proceedings shall be had as follows:—

Section 2. Ten or more of the members of such corporation, being citizens of this Commonwealth, may associate themselves in accordance with the provisions of this act, and form an incorporated company for the purpose of making insurance upon the health of individuals, and against personal injury or disablement, and against death resulting from natural or accidental causes: Provided, That such corporation shall not issue policies agreeing to pay more than ten dollars per week in the event of sickness, accident, or disablement, nor more than two hundred and fifty dollars in event of death.

Section 3. Such persons shall associate themselves together, and the company shall be formed and incorporated in the manner provided by law for the incorporation of insurance companies, and shall be authorized to transact the business of insurance in the same manner and upon the same conditions as insurance companies are by law authorized to do, in so far as such laws are not inconsistent with the provisions of this act.

Section 4. The capital stock of such company shall be not less than twenty-five thousand dollars, and shall be divided into shares of not less than ten dollars each, payment of which shall be made in lawful money,—ten per centum on each share at the time of subscribing, and the balance at such times as the company may direct, not exceeding one year from the time of subscription,—and the company may provide such rules with regard to forfeiture of partial payments or subscriptions as it may deem advisable, which rule shall be binding upon the subscribers, provided they are made known at the time of subscription.

Section 5. The annual meeting for the election of directors shall be held at such time in the month of January as the by-laws of the company may direct, and such notice of the time and place of meeting shall be given to the stockholders as may be provided in the by-laws; and at such annual meeting the stockholders shall elect, by ballot, not less than five nor more than thirteen directors, to serve for one year and until their successors are duly chosen: Provided, That at any annual meeting of the stockholders it may and shall be lawful to divide the directors which are to be chosen into two, three, or four classes, and to elect the first class to serve for the term of one year, and the second, third and fourth to serve two, three, and four years, respectively; and at all ensuing elections of said company the stockholders shall only elect the number of directors necessary to take the place of those whose terms of office shall then expire, and such directors shall be elected for the longest term for which any class may have been elected as hereinbefore provided. And in case a vacancy or vacancies shall happen in the number of said directors, the board of directors shall choose and elect a proper person or proper persons to fill such vacancy or vacancies during the remainder of the term or terms for which the person or persons in whose place or places such vacancy or vacancies shall have happened shall have been elected.

Section 6. From and after the approval of the articles of association, provided for in sections one and two hereof, the corporation shall be and become a corporation under this act.

Section 7. It is hereby declared to be the intent of this act that it shall inure to the benefit only of corporations now formed under the act of the twenty-ninth day of April, one thousand eight hundred seventy-four, and that only the members of such corporation shall have the right to take advantage of the provisions hereof.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 5, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objection, House bill No. 904, entitled "An act to provide for the reincorporation as a stock company of certain corporations organized under the laws of Pennsylvania for the maintenance of a society for beneficial or protective purposes to its members from funds collected therein."

This is a revival of a law that was repealed in 1911. It provides for the reincorporation as stock companies of mutual beneficial and protective associations with capital stock of \$25,000 or more.

The former law was repealed because these companies were weak, had difficulty in maintaining corporate life. Many of them were liquidated and the Insurance Department was subjected to much annoyance. The repealer of 1911 has now for six years given relief from this difficulty and at no loss to the associations concerned. It is, therefore, inviting trouble to revive this matter.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 85.

AN ACT

To amend fifth clause of section three of an act, approved the thirteenth day of May, one thousand nine hundred and nine, entitled "An act relating to food; defining food; providing for the protection of the public health, and the prevention of fraud and deception, by prohibiting the manufacture or sale, the offering for sale or exposing for sale, or the having in possession with intent to sell, of adulterated, misbranded, or deleterious foods; prescribing certain duties of the Dairy and Food Commissioner in reference thereto; and providing penalties for the violation thereof."

Section 1. Be it enacted, &c., That the fifth clause of section three of an act, approved the thirteenth day of May, one thousand nine hundred and nine, entitled "An act relating to food; defining food; providing for the protection of the public health, and the prevention of fraud and deception, by prohibiting the manufacture or sale, the offering for sale or exposing for sale, or the having in possession with intent to sell, of adulterated, misbranded, or deleterious foods; prescribing certain duties of the Dairy and Food Commissioner in reference thereto; and providing penalties for the violation thereof," which reads as follows:

"Fifth. If it contains any added sulphurous acid, sulphur dioxide, or sulphites, benzoate acid or benzoates, except as hereafter provided; or if it contains any added boric acid or borates, salicylic acid or salicylates, formaldehyde, hydrofluoric acid or fluorides, fluoborates, fluosilicates, or other fluorine compounds, dulcin, glucin, saccharin, alum, compounds of copper, betanaphthol, hydronaphthol, abrastol, asapol, oxides of nitrogen, nitrous acid or nitrites, pyroligneous acid, or other added ingredients deleterious to health; or if, in the case of confectionery, it contains any of the substances mentioned in this paragraph, or any mineral substance, or injurious color or flavor, alcoholic liquor, or any other ingredient, not herein mentioned, deleterious to health: Providing, That this act shall not be construed to prohibit the use of harmless colors of any kind, in confectionery, when used for coloring, and not for any fraudulent purpose: And provided further, That nothing in this act shall be construed to prohibit the use of common salt, sugar, pure corn syrup, pure glucose, wine vinegar, cider vinegar, malt vinegar, sugar vinegar, glucose vinegar, distilled vinegar, spices or their essential oils, alcohol (except in confectionery), edible oils, edible fats, wood smoke applied directly as generated, or proper refrigeration: And provided further, That in the manufacture of confectionery the use of alcohol shall be permitted as it may be found in customary alcoholic tinctures or extracts used for flavoring purposes only, and as a solvent for glazes, and that oil of sweet birch, or methyl-salicylic ester, may be used as a substitute for oil of wintergreen as a flavor: And provided further, That in the preparation of dried fruits and molasses, sulphur dioxide, either free or in simple combination, may be used in such quantities as will not render said dried fruits or molasses deleterious to health; and that sodium benzoate may be used in the preparation of those articles of food in which it has heretofore been generally used, in quantities not exceeding one-tenth (1-10) of one per centum, or benzoic acid equivalent thereto: And provided further. That when any quantity of sodium benzoate is used in any article of food, or any quantity of sulphur dioxide is used in the preparation of dried fruits or molasses, the fact that sodium ben-

zoates or sulphur dioxide has been used in the preparation thereof shall be plainly stated on each package of such food," is hereby amended to read as follows:—

Fifth. If it contains any added sulphurous acid, sulphur dioxide, or sulphites, benzoate acid or benzoates, except as hereafter provided; or if it contains any added boric acid or borates, salicylic acid or salicylates, formaldehyde, hydrofluoric acid or fluorides, fluoborate, fluosilicates, or other fluorine compounds, dulcin, glucin, saccharin, alum, compounds of copper, betanaphthol, hydronaphthol, abrastol, asaprol, oxides of nitrogen, nitrous acid or nitrites, pyroligneous acid, or other added ingredients deleterious to health; or if, in the case of confectionery, it contains any of the substances mentioned in this paragraph, or any mineral substance, or injurious color or flavor, alcoholic liquor, or any other ingredient, not herein mentioned, deleterious to health: Providing, That this act shall not be construed to prohibit the use of harmless colors of any kind, in confectionery, when used for coloring, and not for any fraudulent purpose: And provided further, That nothing in this act shall be construed to prohibit the use of common salt, sugar, pure corn syrup, pure glucose, wine vinegar, cider vinegar, malt vinegar, sugar vinegar, glucose vinegar, distilled vinegar, spices or their essential oils, alcohol (except in confectionery), edible oils, edible fats, wood smoke applied directly as generated, or proper refrigeration: And provided further, That in the manufacture of confectionery the use of alcohol shall be permitted as it may be found in customary alcoholic tinctures or extracts used for flavoring purposes only, and as a solvent for glazes, and that oil of sweet birch, or methyl-salicylic ester, may be used as a substitute for oil of wintergreen as a flavor; And provided further, That in the preparation of dried fruit and molasses, sulphur dioxide, either free or in simple combination, may be used in such quantities as will not render dried fruits or molasses deleterious to health; and that sodium benzoate may be used in the preparation of those articles of food in which it has heretofore been generally used, in quantities not exceeding one tenth (1-10) of one per centum, or benzoic acid equivalent thereto: And provided further, That when any quantity of sodium benzoate is used in any article of food, or any quantity of sulphur dioxide is used in the preparation of dried fruits or molasses, the fact that sodium benzoates or sulphur dioxide has been used in the preparation thereof shall be plainly stated on each package of such food: And provided further, That in the milling and manufacturing of flour from cereal grains the electrical curing process may be used in such form as will not render flour treated deleterious to health; the fact that such aging and curing process has been used shall be plainly stated on each package of such flour.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 5, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objection, House bill No. 1247, entitled "An act to amend fifth clause of section three of an act, approved the thirteenth day of May, one thousand nine hundred and nine, entitled 'An act relating to food, defining food, providing for the protection of the pub-

lic health, and the prevention of fraud and deception, by prohibiting the manufacture or sale, the offering for sale or exposing for sale, or the having in possession with intent to sell, of adulterated, misbranded, or deleterious foods; prescribing certain duties of the Dairy and Food Commissioner in reference thereto, and providing penalties for the violation thereof."

This is known as the Bleached Flour Bill, and has attracted much attention in its long-drawn-out passage through the Legislature. The bill is an amendment to the pure food laws of this Commonwealth, which laws now prohibit the treatment of grain by the Alsop electrical process. This process is allowed to be used by law in one State, Nebraska, for the reason that the State of Nebraska produces a yellow wheat which they thus bleach in order to make it as white as its competitors in other States. The process is specifically prohibited in North Carolina, North Dakota, Wisconsin, and Pennsylvania, and the reason set forth is, that wheat so treated in its manufacture always contains nitrous acid, a powerful antiseptic injurious to the human system. It is a poisonous acid.

In 1910 flour fabricated by the patented electrical process was seized in Missouri, and, in a suit before the United States District Court for the western district of Missouri, the case was ably tried. The verdict was as follows: "We, the jury, find that the flour seized in this case was adulterated, July 6, 1910." Many scientific men testified in the case, some of them among Pennsylvania's foremost chemists. These scientific experts testified that wheat so treated produces nitrous acid. This acid is poisonous. The full case and testimony may be had at length in Bulletin of United States Department of Agriculture, issued February 8, 1911, entitled "Notice of Judgment No. 722, Food and Drugs Act." The reading of this case is conclusive and leaves no ground for the approval of this bill.

However, this State does not want its pure food standards lowered. This bill avowedly does so. It also would force from business the small miller whose business would not warrant him in purchasing this exclusive and patented process. We scarcely want by law to compel the purchase, at any price the patentee may exact, of expensive and exclusive machinery for the making of flour. No other process is known which will produce the flour this bill authorizes. The statement that aging flour produces nitrous acid is not scientifically supported.

Dr. Wiley declares, under date of May 31, 1917, that "The bleaching of flour is a crime. Where legalized it is no less an ethical crime than it was before, but is not a legal crime. The sole purpose of bleaching flour is to get a higher price for the product without adding anything to its nutritive value. In fact, as the bleaching agents are all poisonous, the nutritive value is always diminished." He further declares that the bleaching of flour is "A crime against the Nation and an affront to patriotism in the present stress."

Surely we are all most securely bound to protect the health of our people. We have here a bill that menaces health and that increases the cost of a substantial food of all the people. We shall assuredly not allow this kind of legislation knowingly to have approval.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 86.

AN ACT

Establishing, in the several jails, prisons, and penitentiaries the Bertillon method for the identification of criminals; imposing certain duties upon the warden of the Western Penitentiary; and authorizing county commissioners to provide measuring instruments, and cabinets for the filing of cards and photographic plates, at the expense of the county.

Section 1. Be it enacted, &c., That all persons committed to the several jails, prisons, and penitentiaries of this Commonwealth, under sentence from a court of record for the commission of any of the crimes enumerated in this section, shall be measured, described and photographed by the authorities of such jails, prisons and penitentiaries, or any police authorities, in accordance with the Bertillon method for the identification of criminals. That is to say, conviction of any of the following crimes:

Abortion, arson, blackmailing, bribery, burglary, counterfeiting, carrying concealed deadly weapons, embezzlement, forgery, incest, kidnaping, larceny, receiving stolen goods, mayhem, murder, voluntary manslaughter, rape, robbery, seduction, sodomy, buggery, and treason; assault with intent to kill or to ravish, assault with explosives, assault with intent to rob; sending or delivering explosive or corrosive substances with intent to kill, maim or disfigure; administering stupefying drugs or narcotics with intent to commit a felony; wrecking or attempting to wreck, any railroad or railway train, or railroad or railway car or conveyance, with intent to commit a felony; or being an accessory before or after the fact to any of the crimes mentioned in this section.

Section 2. The measurements, descriptions, and photographs of every person sentenced, as aforesaid, shall be entered upon standard cards used for the recording of such measurements, descriptions, and photographs, by the Bertillon method for the identification of criminals. Such cards shall be prepared in triplicate, one of which shall be retained in the institution in which it was prepared, by police authorities making arrest, and the other shall be sent to the warden of the Western Penitentiary. Weekly returns of cards shall be made to the warden of the Western Penitentiary.

Section 3. The cards retained in the institution in which the same are prepared, and the cards sent to the Western Penitentiary, shall be indexed and classified by the proper authorities of the respective institutions, according to the Bertillon method of indexing and classification. Such index and classifications shall be kept securely locked in such manner as to be at all times safe from alterations or destruction.

Section 4. The photographs of each prisoner measured and described under this act shall be made, one to be attached to each card bearing the measurements and descriptions of the prisoner. The plates from which said photographs are made shall be indexed and classified in the institutions in which the same are taken, and shall be securely locked in such manner as to be at all times safe from destruction. No further prints shall be made from any of the said plates unless the same becomes necessary for the purpose of identi-

tying any criminal; in which case, when the warden of the Western Penitentiary or county jail so directs, any number of prints necessary may be made.

Section 5. All requests and communications received at the several institutions relative to the identification of criminals shall be forwarded to the warden of the Western Penitentiary; and all information shall be given only under the direction of the warden of said penitentiary, except as above provided. It is unlawful for any of the authorities of any other institution to give out any information relative to the measurements or description of any prisoner except to authorized police authorities.

Section 6. All measuring instruments, when not in use, shall be kept securely locked, and shall be frequently tested to insure their accuracy.

Section 7. All deaths occurring at the several institutions as well as all escapes of prisoners and recapture shall be immediately reported to the warden of the Western Penitentiary.

Section 8. The county commissioners of each county shall provide, at the expense of the county, suitable cabinets for each jail or prison for the keeping of cards and plates, as well as proper measuring instruments. All cabinets and measuring instruments for the several penitentiaries shall be provided by the wardens thereof, from appropriations made for that purpose.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 5, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objection, House bill No. 1389, entitled "An act establishing in the several jails, prisons, and penitentiaries the Bertillon method for the identification of criminals; imposing certain duties upon the warden of the Western Penitentiary, and authorizing county commissioners to provide measuring instruments, and cabinets for the filing of cards and photographic plates, at the expense of the county."

This bill establishes the Bertillon system of identification of criminals in the several jails, prisons, and penitentiaries of this Commonwealth. The designation of the system in the bill is wrong. It is called the Bertillon system, and section seven contains matters not recited in the title and foreign to the purposes of the bill.

This method is still used in France. It has been discarded in England, India, and in many States of this Union. The present experts on criminology incline to the Galton finger-print system because of its simplicity, its inexpensiveness, in the rapidity of the work of recording means of identification and in the certainty of results.

Why introduce this costly and decreasingly used system when a simpler, less costly and more certain system may be used? There is no necessity for the bill. The authorities should be free to use whatever system best serves the end to be attained.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 87.

AN ACT

To amend section five of an act, approved the twenty-fourth day of July, one thousand nine hundred and thirteen, entitled "An act to provide for the personal registration of electors, and their enrollment as members of political parties, in cities of the first and second classes of this Commonwealth; to make such registration a condition of the right to vote in such cities, and their said enrollment as members of a political party a condition of the right to vote at primaries in said cities; and providing for the payment of witness fees for persons summoned before the commissioners; to provide penalties for violations of its provisions; and to repeal acts inconsistent herewith."

Section 1. Be it enacted, &c., That section five of an act, approved the twenty-fourth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, nine hundred seventy-seven), entitled "An act to provide for the personal registration of electors, and their enrollment as members of political parties in cities of the first and second classes of this Commonwealth; to make such registration a condition of the right to vote in such cities, and their said enrollment as members of a political party a condition of the right to vote at primaries in said cities; and providing for the payment of witness fees for persons summoned before the commissioners; to provide penalties for violations of its provisions; and to repeal acts inconsistent herewith," which reads as follows:—

"Section 5. The commissioners shall, not later than August fifteenth of each year, appoint four registrars for each election district, as herein provided. The registrars must be duly qualified electors of the said district, and shall have been residents of the city for a period of two years, and of the ward for one year, immediately preceding their appointment. They must be sober and judicious persons, of good moral character, able to read intelligently, and to write legibly. Two of the registrars shall be members of the party polling the highest vote within the election district at the last preceding general election and one at least shall be a member of the party polling the next highest number of votes at said election. The commissioners shall provide at all times a board of registrars, not more than two of whom shall be of the same political faith. If, therefore, it appears at any time, that by reason of a change in political affiliations, or because of error in the appointment, a board is not so divided, any ten electors of the division may file a petition with the commissioners, setting forth the facts, and praying that one or more of the appointments may be revoked; and that other appointments may be made. The commissioners shall grant a public hearing, and, if they find the facts to be as represented, shall give the relief asked for. Two of the said registrars, one of whom shall be of the majority party, shall be designated by the commissioners to have charge of the two registrars as hereinafter provided. No person who holds, or is a candidate for, public office shall act as registrar. The names of at least four qualified persons shall be suggested to the commissioners, by petition duly filed, for each election division, two by the ward executive committees, if such exist, and, if not, by the city committees, of the parties of the district. These petitions shall be signed by the president and one secretary of the ward executive committees, if

such exist; if not, by the president and one secretary of the city committee, if such exists, and by five electors of the division, and shall set forth the names, addresses, and occupations and political affiliations of the persons suggested. Each candidate for registrar shall swear to the truth of the facts set forth in his petition. The petition shall remain on file, open to public inspection, at least ten days before the persons named therein shall be appointed, except in cases where a vacancy occurs in the office of registrar within ten days of a registration day. If no petitions are filed, the commissioners may appoint without regard to party; and, if the persons suggested by petition are unfit, shall have the power to appoint others of whom they shall have knowledge. No appointment shall be made unless the person to be appointed has personally appeared before the commissioners, and has satisfied them of his qualifications; but in case of a reappointment it shall not be necessary for the person so reappointed to be summoned. At least one week's notice of the time and place of the examination, for each ward or election district, of those persons who have been suggested by petition, or are under consideration, for appointment as registrars in such ward or election district shall be published by the commissioners in at least two daily newspapers in the city. Only electors residing in the same division as the person applying for appointment as registrar may appear in person, and, being duly sworn, show wherein said person applying for appointment as registrar does not possess the requisite qualifications. If the persons nominated are found not to be properly qualified the commissioners may decline to appoint them, and the ward executive committee, or city committee, shall then suggest other names as aforesaid.

"No person shall be appointed a registrar unless the appointment is approved by three commissioners: Provided, That if two commissioners have concurred in approving four persons successively to fill one position, and the other two commissioners have concurred in objecting to said persons, the commissioners first referred to may approve four other names, and, from these eight, all having been suggested by petition, the other two commissioners must select the registrar.

"The commissioners shall have power to summon any person whom they desire to interrogate; and all persons testifying before said commissioners shall be first duly sworn by one of said commissioners, or by the recorder. Any person so appointed a registrar must perform his duties as prescribed by this act, unless excused therefrom by the commissioners for cause shown. The registrars shall receive a compensation of ten dollars per day for the time actually spent in registration," is hereby amended to read as follows:—

Section 5. (a) There shall be four registrars for each election division. Two of the registrars shall be members of the party polling the highest vote within the election division at the last preceding general election, and one at least shall be a member of the party polling the next highest number of votes at said election.

(b) The registrars must be duly qualified electors of the said district, and shall have been residents of the city for a period of two years, and of the ward for one year, immediately preceding their appointment. They must be sober and judicious persons, of good

moral character, able to read intelligently, and to write legibly. No person who holds, or is a candidate, for public office shall act as registrar.

(c) The names of at least four qualified persons shall be recommended to the commissioners for appointment, by petition duly filed, for each election division, by the ward executive committees of the said political parties, acting through the president of such ward executive committee, if such ward committee exist, and, if not, by the city committees, of the said political parties. These petitions shall be signed by the president of the ward executive committee, if such exist, and by five electors of the division, and shall set forth the names, addresses, and occupations and political affiliations of the persons so recommended for appointment. Each candidate for registrar shall swear to the truth of the facts set forth in his petition.

(d) The commissioners shall place in the hands of the said ward executive committee, if such exist, and if not, in the hands of the city committees, petitions as aforesaid not later than July first of each and every year. The said petitions shall be returned executed by the applicants to the said commissioners, by the said ward executive committees, if such exist, or city committees, not later than July twentieth of each and every year. The board of registration commissioners shall, thereupon, forthwith proceed to notify the persons so recommended for appointment of the time and place where those recommended for appointment may appear before the commissioners in order to satisfy the commissioners that the persons so recommended for appointment possess the qualifications for registrars set forth in paragraph "b" of this section; the failure to possess which said qualifications shall be the sole ground upon which the commissioners may reject the persons so recommended for appointment. In case of a reappointment it shall not be necessary for the persons so reappointed to be summoned. It shall be the duty of the commissioners to reappoint the person recommended for a reappointment without examination, excepting only in such cases as the conduct of the person so recommended for reappointment during the preceding year has given the commissioners reason to believe that he is lacking in one or more of the qualifications set forth in paragraph "b" of this section; in which case it shall be the duty of the commissioners to notify and summon such person for examination.

(e) It shall be the duty of the commissioners to appoint all persons recommended for appointment, by petition, as aforesaid, by the ward executive committees, when such persons possess the qualifications set forth in paragraph "b" of this section.

(f) The petitions to be furnished the ward executive committees not later than July first, as aforesaid, shall contain a space whereon shall be printed the following words:—

"The petitioner has been rejected by the Commissioners, after examinations, for the following reasons:

"Commissioners."

It shall be unlawful for the commissioners to reject any person recommended for appointment, as aforesaid, except upon a finding by the commissioners, made in the manner aforesaid, that the per-

son recommended for appointment, by petition, as aforesaid, is lacking in one or more of the qualifications set forth in paragraph "a" of this section; and a finding by the commissioners, over their signatures, on the petition setting forth the qualification or qualifications wherein the commissioners find the person recommended for appointment is deficient.

(g) In case the commissioners shall find any of the persons recommended for appointment to be not properly qualified, as aforesaid, they shall forthwith notify the president of the ward executive committee which recommended the person for appointment, of their finding; and the said ward executive committee, acting through its president, shall have ten days from the receipt of the said notice to recommend another name to the commissioners for appointment. The person so rejected, or the president of the ward executive committee recommending such person, or any qualified elector of the election division, may appeal from the action of the commissioners, in the manner hereinafter set forth; and, pending such appeal, the commissioners shall have no power to act in the way of making another appointment.

(h) All acts done by the president of the ward executive committee shall be presumed to be done as agent for, and with the authority of, the ward executive committee, until the contrary be shown.

(i) The board of registrars of each election division shall be so constituted that at all times not more than two of each board shall be of the same political faith. If, therefore, it appears at any time that, by reason of a change in political affiliations, or because of error in the appointment, a board is not so divided, any ten electors of the division may file a petition with the commissioners, setting forth the facts and praying that one or more of the appointments may be revoked and that other appointments may be made. The commissioners shall grant a public hearing on five days' notice to the registrar and to the president of the ward executive committee which recommended him for appointment; and, if they find the facts to be as represented, shall give the relief asked for. The findings of said commissioners shall be in writing, and any party aggrieved thereby shall have the right of appeal to the common pleas court which is provided in paragraph "o" of this section. The commissioners shall have power to summon witnesses for said hearings.

(j) The commissioners shall have power to administer oaths to those testifying at the hearings provided for in paragraph "i" of this section, and to applicants for appointment upon their examinations, as provided for in paragraph "d" of this section, and to the registrars upon their appointment.

(k) Two of the said registrars, one of whom shall be of the majority party, shall be designated by the commissioners to have charge of the two registers as hereinafter provided.

(l) All petitions and orders made on same day by the commissioners shall be open to public inspection at all reasonable times.

(m) If no petitions are filed the commissioners may appoint without regard to party. Where a vacancy occurs in an office of registrar within ten days of a registration day, by resignation, removal, death, or otherwise, the commissioners may appoint without petition and without regard to party.

(n) The commissioners shall issue certificates of appointment to the registrars not later than August fifteenth of each year.

(o) Upon the rejection by the commissioners of a petitioner, as aforesaid, the petitioner, or the president of the ward executive committee, or any qualified elector of the election division, may, within ten days, make application, under oath, to the court of common pleas of the proper county, or any law judge thereof at chambers, alleging that the person so rejected as being deficient in one or more of the said qualifications is in fact possessed of the said qualifications; and the said court or judge shall, thereupon, forthwith call the commissioners and the complainant and the petitioner before it or him, by citation or rule to show cause, and shall hear the parties and examine the petitioner as to his qualifications de novo, and shall dispose of the subject in a summary manner as to law and justice shall belong; and shall, in case the court finds the petitioner to be possessed of the said qualifications set forth in paragraph "b" of this section, order the commissioners to appoint the said petitioner; and the said court or judge may enforce such order by attachment as in proceedings for contempt.

(p) Any person appointed a registrar must perform his duties as prescribed by this act unless excused therefrom by the commissioners for cause shown. The registrars shall receive a compensation of ten dollars per day for the time actually spent in registration.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 5, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objection, House bill No. 1534, entitled "An act to amend section five of an act, approved the twenty-fourth day of July, one thousand nine hundred and thirteen, entitled 'An act to provide for the personal registration of electors, and their enrollment as members of political parties, in cities of the first and second classes of this Commonwealth; to make such registration a condition of the right to vote in such cities, and their said enrollment as members of a political party a condition of the right to vote at primaries in said cities; and providing for the payment of witness fees for persons summoned before the commissioners; to provide penalties for violations of its provisions; and to repeal acts inconsistent herewith.'"

This bill amends section 5 of the act of July 24, 1913 (P. L. 977), by providing that, in cities of the first and second class, the duty of county commissioners is made mandatory in the matter of appointing such registrars as may be nominated by ward or city committees of any political party. It also compels commissioners to file a paper giving their reasons for rejection, in case any such nominated registrars are rejected.

The intent is to take away from registration commissioners practically all power in the matter of these appointments. Registration commissioners were created by law for the avowed purpose of giving competent and impartial supervisory control over the whole subject of registration. To approve this bill would be to defeat the ends

sought by the law creating registration commissioners. These commissioners have under existing law performed a notable service. They have protected the citizen in his franchise rights and have safeguarded the ballot. This bill would throw the entire matter back into the unctuous maw of politicians. It would be a step backward and not forward. It would stimulate unworthy political partisan manipulation, and close the way now open to our electors for fair play and a square deal. The courts have upheld the present procedure and the petty politician should not be encouraged to defy the courts and the people by an appeal to the Legislature. The present law is a great advance, an important reform, over the old time scandal-producing conduct in the matter of listing voters. We cannot allow such reactionary and nonprogressive enactments to become law.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 88.

AN ACT

Authorizing and empowering building and loan associations within this Commonwealth to invest certain funds in government war bonds.

Section 1. Be it enacted, &c., That all building and loan associations incorporated under the laws of this Commonwealth are hereby authorized and empowered to invest, temporarily, moneys remaining in their treasuries not applied for by any of their shareholders, and not required to pay withdrawals matured, matured stocks, and borrowed money, in government war bonds.

Section 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 5, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objection, House bill No. 1814, entitled "An act authorizing and empowering building and loan associations within this Commonwealth to invest certain funds in government war bonds."

This bill would permit building and loan associations, under defined limits, to invest their moneys in government war bonds. The purpose is commendable, but House bill No. 1601, which gives the same power not only to building and loan associations, but to all corporations, has already been approved. This bill is, therefore, not necessary.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 89.

AN ACT

Fixing the compensation of township auditors in townships of the first class, and providing how said compensation is to be paid.

Section 1. Be it enacted, &c., That the compensation of each township auditor, in townships of the first class, shall be five dollars per diem for each day necessarily and actually employed in the duties of his office: Provided, That this act shall not interfere with or change any local or special act where a larger amount than five dollars per day is authorized to be paid.

Section 2. Each township auditor, in townships of the first class, shall file, with the town clerk of the township for which he is auditor, a statement in writing, signed by him, certifying the number of days necessarily and actually employed by such auditor in the duties of his office. The compensation of said auditors shall be paid by the township treasurer out of the township fund, upon orders issued by the board of township commissioners of said township.

Section 3. All acts or parts of acts inconsistent herewith be, and the same are hereby, repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 5, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objection, House bill No. 1191, entitled "An act fixing the compensation of township auditors in townships of the first class, and providing how said compensation is to be paid."

The act of 1889 (P. L. 86), and act of May 3, 1901 (P. L. 392), fix the compensation of township auditors at \$2.00 per diem. This bill increases the compensation of auditors in townships of the first class at \$5.00 per diem. Why an auditor in one class of townships needs two and one-half times the per diem pay of an auditor in another class of townships is not manifest. There may be more to audit, but that gives the auditor the larger gross income. There is no necessity for increasing in this way the cost of government to the people.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 90.

AN ACT

Authorizing John F. Stone, of Coudersport, Pennsylvania, to sue the Commonwealth of Pennsylvania, in the court of common pleas of Dauphin County, for loss and damage incident to a shipment of cattle to Lancaster, delivery of which was not permitted by the State Livestock Sanitary Board.

Section 1. Be it enacted, &c., That John F. Stone, of Coudersport, Pennsylvania, is hereby authorized to sue the Commonwealth of Pennsylvania, in the court of common pleas of Dauphin County,

for such sum or sums of money as may be legally and justly due the said John F. Stone by the Commonwealth, due to loss on a shipment of cattle to the city of Lancaster, on November twenty-first, one thousand nine hundred and fourteen, of which delivery to the purchaser was not permitted by the State Livestock Sanitary Board, and which the said John F. Stone was compelled to sell, in small lots, at a less price; also, for such sums as may have been expended for hay for keeping such cattle, excess charges for yardage, and excess commission. Such suit shall be subject to the same rules of evidence, pleading, and practice as in other and similar cases between individuals; and the defenses open to the Commonwealth shall be such as would be available to an individual if sued upon like facts.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 5, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objection, Senate bill No. 861, entitled "An act, authorizing John F. Stone, of Coudersport, Pennsylvania, to sue the Commonwealth of Pennsylvania in the court of common pleas of Dauphin County, for loss and damage incident to a shipment of cattle to Lancaster, delivery of which was not permitted by the State Livestock Sanitary Board."

The bill authorizes one John F. Stone to sue the Commonwealth for loss and damage incident to a shipment of cattle, delivery of which was not permitted by the State Livestock Sanitary Board.

This shipment of cattle was made during a strict quarantine against the hoof-and-mouth disease. The shipper was duly notified in advance by the State Livestock Sanitary Board not to ship into closed territory. In open disregard of such order, and at the peril to cattle in closed territory, the said owner shipped these cattle. Of course, they were not allowed to be unloaded. The law is specific. The owner's knowledge complete. He was therefore obliged to re-ship them into open territory, and he now wants to collect his reputed loss for maintenance, yardage, and excess commissions. Having knowingly violated the law, there is no reason why the Commonwealth should be put to the expense of defending such action as this bill contemplates. The people should not be obliged to bear any expense in defense against an open violation of the quarantine law.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 91.

AN ACT

Fixing the fee for services of jurors summoned by the sheriff of any county having a population of over five hundred thousand, and not more than one million four hundred thousand, inhabitants, under writs of inquisition, condemnation, inquiry of damages, lunacy, and habitual drunkard proceedings, or under writs or process issued directing inquests.

Section 1. Be it enacted, &c., That from and after the first Monday of January, one thousand nine hundred and eighteen, the fee

for jurors summoned by the sheriff of any county in this Commonwealth having a population of over five hundred thousand, and not more than one million four hundred thousand, inhabitants, under writs of inquisition, condemnation, inquiry of damages, lunacy, or habitual drunkard proceedings, or upon any proceedings, or by virtue of any writ or process issued by the courts of this Commonwealth, directing an inquest for services performed, shall be five dollars (\$5.00) for each and every session at which said juror shall be in attendance.

Section 2. All acts and parts of acts inconsistent herewith are hereby repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 5, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objection, Senate bill No. 878, entitled "An act fixing the fee for services of jurors summoned by the sheriff of any county having a population of over five hundred thousand, and not more than one million four hundred thousand, inhabitants, under writs of inquisition, condemnation, inquiry of damages, lunacy, and habitual drunkard proceedings, or under writs or process issued directing inquests."

This bill increases the compensation from \$1.50 per day to \$5.00 per day of jurors on writs of inquisition, lunacy, and habitual drunkard proceedings, etc. It is limited to counties having more than 500,000 and less than 1,400,000 population. This classification is arbitrary and not germane to the subject. It violates Section 7, Article III of the Constitution. There is, moreover, no manifest reason why a juror, for such duties, should be paid more or less in a county, as above defined, than is paid in counties having less or more population than such counties. There is no reason for singling out a defined county and giving to it new burdens of governmental expense, unless it be to use larger sums of the people's moneys to pay for administrative duties. Unless the reasons are cogent, it is better to deny such legislation, and in doing so think quite as carefully of the rights of the maintaining public as of the maintained official.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 92.

AN ACT

Authorizing the court of quarter sessions to make orders and decrees for the removal of bodies interred in burial-grounds or cemeteries, in or adjacent to cities, and providing for the cost of the removal of such bodies.

Section 1. Be it enacted, &c., That the court of quarter sessions of the several counties may make such orders and decrees for the regulation and care of burial-grounds, not in charge of any person,

persons, church or society, or trustees of a church or society, situated in and adjacent to cities as the public good shall require. When any such burial-grounds in charge of no person, persons, church or society, or trustees of a church or society, shall be abandoned for use as a burial-ground, or shall become so neglected as, in the opinion of said court, to become a public nuisance, the court may direct the removal of the dead therefrom to some other properly regulated burial-ground, and may enforce the same by proper process, order, and decrees made under this act.

Section 2. That, upon the petition of one hundred or more citizens or residents in the vicinity of such cemetery, setting forth that any such cemetery has been abandoned and constitutes a public nuisance, and is in charge of no person, church or society, or trustees of a church or society, the court may, after three weeks' advertisement of hearing in open court for the purpose, and after a full hearing of the parties, their proofs, and allegations, authorize and direct the removal of the remains of the dead from such burial-grounds.

Section 3. Such removal shall be made by a commission of three persons, to be appointed by the court of quarter sessions having jurisdiction of the matter, and shall be performed in a careful manner at the expense of the petitioners, who shall file a bond, to be approved by the court, conditioned for the payment of said expense of removal to such other burial-ground or grounds that may be selected for said purpose; or, if desired by the relatives or friends of such dead, to some properly regulated burial-ground or cemetery in the immediate vicinity. Before removing any of said bodies, said commission appointed for the purpose shall publish, for two successive weeks in two weekly newspapers of such city wherein such burial-ground is located, a notice declaring their intention to remove said bodies in pursuance of this act.

Section 4. Relatives and friends of such dead shall have the right to so remove said remains at any time during said proceedings at their own expense.

Section 5. All bodies, when removed, shall be placed in separate caskets and graves, and the headstones, monuments, or other marks by the remains of said bodies shall be taken by the persons authorized to make such removal and placed, as near as can be, in the same relative position in the new place of interment as before removal.

Section 6. The members of said commission shall receive compensation for their services to be fixed by the court which shall not exceed five dollars per day for the actual time employed.

Section 7. All acts or parts of acts inconsistent herewith be, and the same are hereby, repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 6, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House bill No. 591, entitled "An act authorizing the court of quarter sessions to make orders and decrees for the re-

removal of bodies interred in burial-grounds or cemeteries in or adjacent to cities, and providing for the cost of the removal of such bodies."

This bill authorizes the court of quarter sessions, upon petition of 100 or more citizens, to name these persons, at \$5.00 per diem, to direct the removal of bodies from abandoned burial-grounds or graveyards.

The bill does not indicate whose oversight shall be invoked to care for these sacred quantities of Christian dust when once they are removed. The bill does not indicate from what source shall come the funds for the removal of these bodies, nor does it provide any means of payment for ground to which they are transferred.

Especially is the bill lacking in any provision to hint even as to the ownership of the abandoned burial-ground after the bodies are removed. Whose ground is it? The act is silent. There is in this silence the portent of the conceivable purpose of the bill. Some one may want this ground. These neglected bodies are in the way. This bill would remove them and make easy the acquisition by some one of this ground. It is evident that such ground becomes very valuable. This value should be secured to all the people. This bill would secure it against the people.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 93.

AN ACT

To reimburse mine inspectors for the loss in salary, and making an appropriation.

Section 1. Be it enacted, &c., That every person who held the office of mine inspector on the first day of January, one thousand nine hundred and sixteen, and whose term of office would have regularly expired on that date, but who held over by reason of the fact that no successor could be legally chosen at the municipal election of one thousand nine hundred and fifteen, shall be paid the following sum of money, in addition to any money which any such person has already received as compensation for his services—that is to say:

If any such person exercised the powers and performed the duties of mine inspector during the entire year one thousand nine hundred and sixteen, he shall be paid the sum of five hundred (\$500) dollars.

If any such person exercised the powers and performed the duties of mine inspector during a part only of the year one thousand nine hundred and sixteen, he shall be paid such amount as shall be found, multiplying the total number of days, Sundays and legal holidays inclusive, in the year one thousand nine hundred and sixteen, on which such person so exercised and performed such powers and duties, by five hundred, and dividing the product so obtained by three hundred and sixty-five.

Section 2. Such money shall be paid to any such inspector by the Chief of the Department of Mines, out of the money hereinafter appropriated.

Section 3. The sum of nine thousand five hundred (\$9,500) dollars, or so much thereof as may be necessary, is hereby appropriated for the purposes of this act. Such appropriation shall be paid by the State Treasurer to the Chief of the Department of Mines on warrant of the Auditor General.

Section 4. It is the purpose of this act to reimburse such mine inspectors for loss of part of their salaries as fixed by an act approved June third, one thousand nine hundred and fifteen (Pamphlet Laws, seven hundred ninety), entitled "An act fixing the salaries of mine inspectors in this Commonwealth, and the expenses incident to the office," and which loss of salary was occasioned by failure to elect their successors in the year one thousand nine hundred and fifteen.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 6, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House bill No. 1581, entitled "An act to reimburse mine inspectors for the loss in salary, and making an appropriation."

This bill makes an appropriation for the payment of additional compensation to certain mine inspectors. In 1915 the salaries of mine inspectors was by law increased from \$3,000 to \$3,500 per year. The inspectors whose terms ended on Jan. 1, 1916, had their terms lengthened one year by a decision of the courts, which decision held that these inspectors are State officers and could be elected only in even-numbered years. For this extra year under this decision these inspectors were paid only at the rate of \$3,000 per year, because the Constitution expressly prohibits in Section 13, Article III, the change of the salary of an officer after his election and during the term for which he is elected. Under the law, therefore, these inspectors were not entitled to the salary increase until—after one year—they were again elected by the people.

Morally these inspectors are entitled to this increase; legally, they are not. These men render valuable service. They protect life and property. They are entitled to the increased pay provided in the act of 1915 and it is a source of regret that this bill is so manifestly unconstitutional that approval must be withheld. The manifest constitutional prohibition alone prevents its approval.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 94.

AN ACT

Permitting the owners or lessees of land, or members of their family, to take or kill birds, commonly known as blackbirds, on the premises owned or leased by them, or upon or over a roadway immediately adjoining and abutting on said property, at any time during the year, and repealing all acts inconsistent herewith.

Section 1. Be it enacted, &c., That from and after the passage of this act, it shall be lawful for any owner or lessee of land in this Commonwealth, or any member of the family of any such owner or lessee, to kill, take, or wound birds, commonly known as blackbirds, on land owned or leased by them, or upon or over a roadway immediately adjoining and abutting on said land, at any time during the year.

Section 2. It shall not be lawful for any person or persons to take, kill, or wound birds, commonly known as blackbirds, except as provided in section one of this act.

Section 3. An act of the twenty-first day of March, one thousand nine hundred and thirteen, entitled "An act for the better protection of the wild birds known as the turtle or mourning-dove, the killdeer plover, and the bird commonly called the blackbird in Pennsylvania, and prescribing penalties for violation of its provisions," is hereby repealed in so far as the same is inconsistent with this act; but any person or persons who shall kill, take, or wound birds, commonly known as blackbirds, in any other manner than that provided in section one of this act, shall be subject to the penalties provided by said act of March twenty-first, one thousand nine hundred and thirteen, and all other acts or parts of acts inconsistent herewith are hereby repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 6, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House bill No. 1663, entitled "An act permitting the owners or lessees of land, or members of their family, to take or kill birds, commonly known as blackbirds, on the premises owned or leased by them, or upon or over a roadway immediately adjoining and abutting on said property, at any time during the year, and repealing all acts inconsistent herewith."

This bill would authorize owners or lessees of land and the members of their families to kill blackbirds at any time upon ground owned or leased by the parties named, and also to kill these birds on adjacent property over a roadway trending along such property.

The act of June 7, 1917, in section 14, makes provision for blackbirds, by designating them as game-birds and fixing the season for their killing. Since this is part of the new game code, it is not wise to amend it before it has been promulgated. The substantial purpose of this bill is contained in the approved act.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 95.

AN ACT

To repeal section eight of an act, approved the eighteenth day of April, one thousand eight hundred forty-three, entitled "An act to recharter the Farmers' and Mechanics' Bank of Philadelphia," and article one of section ten of an act, approved the sixteenth day of April, one thousand eight hundred and fifty, entitled "An act regulating banks."

Section 1. Be it enacted, &c., That section eight of an act, approved the eighteenth day of April, one thousand eight hundred forty-three (Pamphlet Laws, three hundred nine), entitled "An act to recharter the Farmers' and Mechanics' Bank of Philadelphia," which reads as follows:—

"Section 8. That hereafter bank directors of this Commonwealth shall be eligible for three years out of any four years; but no person shall be a director at the same time of more than one bank; and every person who has been or shall hereafter be a director in one or more banks of this Commonwealth, for three years out of any four years, shall be ineligible (except the president, who shall always be eligible) as a director in any bank whatever, until the expiration of one year thereafter; and it shall be lawful for any stockholder to make application to the court of common pleas of the proper county for a writ of quo warranto, against every person violating the provisions of this section, the said writ to be heard and determined according to the provisions of 'An act relating to writs of quo warranto and mandamus, passed fourteenth June, one thousand eight hundred and thirty-six;' and every person so convicted shall be removed from the office of director by a decree of the said court, and shall thereafter be ineligible as a director in any bank in this Commonwealth, and shall be fined in a sum not less than five hundred dollars, nor more than two thousand dollars, at the discretion of the court, and the vacancy or vacancies shall be filled as in the case of death;" and article one of section ten of an act, approved the sixteenth day of April, one thousand eight hundred fifty (Pamphlet Laws, four hundred seventy-seven), entitled "An act regulating banks," which reads as follows:

"ARTICLE I.

"The affairs of every such bank shall be conducted by thirteen directors, to be chosen annually by the stockholders; no person, not a citizen of the United States, and a stockholder in his own right, shall be a director; no person shall, at the same time, be a director of any two banks; nor shall the Governor or any executive or judicial officer of this Commonwealth, city or county treasurer, or a member of the State Legislature, be a director," are hereby repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 6, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate bill No. 576, entitled "An act to repeal

section eight of an act, approved the eighteenth day of April, one thousand eight hundred forty-three, entitled 'An act to recharter the Farmers' and Mechanics' Bank of Philadelphia', and article one of section ten of an act, approved the sixteenth day of April, one thousand eight hundred and fifty, entitled 'An act regulating banks.'"

This bill repeals section 8 of the act of April 18, 1843 (P. L. 309), relating to the charter of the Farmers' and Mechanics' Bank of Philadelphia. This repealer would legalize interlocking directorates—a procedure that has been widely condemned and has had national disapproval.

I have made diligent search for information concerning the meaning and purpose of this bill. No one has given me the least reason for its passage. Its proponent was urged to explain its purpose. The explanation, after weeks of waiting, has not given such information. It is, therefore, deemed wise to withhold approval.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 96.

AN ACT

Authorizing the State Librarian to edit a revised edition of "The Report of the Commission to Locate the Sites of the Frontier Forts of Pennsylvania," and providing for the printing, binding, and distribution thereof.

Section 1. Be it enacted, &c., That the State Librarian is authorized to revise, edit, and publish a new edition of "The Report of the Commission to Locate the Sites of the Frontier Forts of Pennsylvania," which was first published under the authority of a concurrent resolution of the twenty-fourth day of January, one thousand eight hundred and ninety-five, and revised and republished under the authority of an act approved the twenty-fifth day of July, one thousand nine hundred and thirteen, entitled "An act providing for the printing, binding, and distribution of two publications heretofore published by the State, namely, "Pennsylvania at Gettysburg" and "Report of the Commission to Locate the Sites of the Frontier Forts of Pennsylvania," also providing for additions to said reports, and for the editing, proof-reading, and indexing thereof, and making appropriations for said work."

Section 2. The publication provided for in section one of this act shall be in two volumes, and shall be bound in half-roan binding.

Section 3. The Superintendent of Public Printing and Binding shall, upon the requisition of the State Librarian, direct the printing of five thousand (5,000) copies of said publication, which shall be distributed as follows: One thousand copies for the use of the Senate, three thousand copies for the use of the House of Representatives, five hundred copies for the use of the Executive Department, and five hundred copies for the use of the State Librarian.

The volumes provided for the Senate and House of Representatives shall be delivered to the members and officers of the General Assembly of one thousand nine hundred and seventeen.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg July 6, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate bill No. 794, entitled "An act authorizing the State Librarian to edit a revised edition of 'The Report of the Commission to Locate the Sites of the Frontier Forts of Pennsylvania,' and providing for the printing, binding, and distribution thereof."

This bill authorizes the State Librarian to revise, edit, and publish a new edition of a report, in two volumes, known as Frontier Forts of Pennsylvania. The bill requires that 5,000 copies be printed. It makes no provision for the payment of the services exacted, and no provision for the payment of the cost of publication, which cost in the aggregate will be very considerable,—at least thousands of dollars.

This important report has, by subsequent Assemblies, been printed and reprinted. The usual depositories and the most interested citizens already possess the volumes. While the general circulation of this work would serve important ends, it is to be regretted that the Legislature did not provide funds adequate to the expenditures authorized, and the Executive must reluctantly but definitely deny worthy subjects in order to conserve the Treasury.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 97.

AN ACT

Regulating the purchase of and contract for supplies in cities of the first class in this Commonwealth.

Section 1. Be it enacted, &c., That councils in cities of the first class are hereby empowered to authorize the director of supplies in such cities to purchase or procure, without public advertisement for bids and without entering into written contracts, materials or commodities to the value of one thousand dollars (\$1,000.00): Provided, That written bids therefor be first invited from at least three persons, firms, or corporations regularly engaged in the business of manufacturing, dealing in, furnishing, or supplying the same: And provided further, That, when a patented or proprietary article is to be purchased or procured, the director of supplies in said cities of the first class may be permitted to accept one bid from the patentee, or the person, firm, or corporation controlling the patented or proprietary article required, which bid shall be accompanied with an affidavit stating that the prices quoted are the lowest at which said articles are sold to anyone in the open market.

Section 2. Whenever advertised bids are received for furnishing materials or commodities for a stated period, and the amount or amounts appropriated and available are not sufficient to cover the

requirements for the period stated in the advertisement, said councils in cities of the first class may authorize the director of supplies to continue said contract or contracts when further appropriations are made and become available for that purpose, or when further requirements become necessary for the period stated, and this authorization shall be set forth in the said contract or contracts, and shall be binding upon the parties affixing their signatures thereto.

Section 3. All acts or parts of acts inconsistent herewith are hereby repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 10, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objection, Senate bill No. 137, entitled "An act regulating the purchase of and contract for supplies in cities of the first class in this Commonwealth."

This bill regulates the purchase of supplies in cities of the first class, and is almost identical in language and purpose of House bill No. 260, which had Executive approval on May 17, 1917. There is no necessity for this bill.

For this reason the bill is not approved.

MARTIN G. BRUMBAUGH.

No. 98.

AN ACT

To amend section eight of an act, approved the twenty-fifth day of May, one thousand eight hundred and ninety-three (Pamphlet Laws, one hundred thirty-six), entitled "An act for the taxation of dogs and the protection of sheep."

Section 1. Be it enacted, &c., That section eight of an act, approved the twenty-fifth day of May, one thousand eight hundred and ninety-three (Pamphlet Laws, one hundred and thirty-six), entitled "An act for the taxation of dogs and the protection of sheep," which reads as follows:—

"Section 8. That justices of the peace, magistrates, or aldermen, for the special service under the provisions of this act, shall be entitled to one dollar for each case, and the auditors or controllers, each, one dollar per day for the time necessarily spent by them in investigating each claim, to be paid by the claimant in each case; Provided, That in all cases where damages are awarded, the fees paid by claimants shall be included in the amount of such damages," is hereby amended to read as follows:—

Section 8. That justices of the peace, magistrates, or aldermen, for the special service under the provisions of this act, shall be entitled to one dollar for each case, and the auditors or controllers, each, two dollars per day for the time necessarily spent by them in investigating each claim, and five cents per mile for each mile trav-

eled in going to and from the place examined, to be paid by the claimant in each case: Provided, That in all cases where damages are awarded, the fees paid by claimants shall be included in the amount of such damages.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 11, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House bill No. 589, entitled "An act to amend section eight of an act, approved the twenty-fifth day of May, one thousand eight hundred and ninety-three (Pamphlet Laws, one hundred thirty-six), entitled 'An act for the taxation of dogs and the protection of sheep.'"

This bill provides an increased compensation for those who may be designated to investigate the killing of dogs. The whole subject of dogs and the animals they may injure or kill is fully covered by House bill No. 1345 now before me, and hence this bill is unnecessary.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 99.

AN ACT

Authorizing prothonotaries, in counties containing over one hundred and fifty thousand, and less than two hundred and fifty thousand inhabitants, to appoint deputy prothonotaries; fixing their salary, and prescribing their duties.

Section 1. Be it enacted, &c., That in counties containing over one hundred and fifty thousand, and less than two hundred and fifty thousand inhabitants, the prothonotary shall appoint a person to serve as deputy prothonotary.

Section 2. The deputy prothonotary shall give a bond in the sum of five thousand dollars, to be approved by the prothonotary, for the faithful performance of his duties. In the absence of the prothonotary he shall have the powers of the prothonotary.

Section 3. The salary of the deputy prothonotary shall be twenty-five hundred dollars per annum, payable monthly out of the earnings of the office of the prothonotary, as a part of the expenses of the office.

Section 4. All acts or parts of acts inconsistent herewith are hereby repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 11, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objection, House bill No. 993, entitled "An act authorizing prothonotaries, in counties containing over one hundred and fifty

thousand, and less than two hundred and fifty thousand inhabitants, to appoint deputy prothonotaries; fixing their salary, and prescribing their duties."

This bill provided for a deputy prothonotary to be named by the prothonotary in counties having a population over 150,000 and less than 200,000. The salary is fixed at \$2,500, to be paid as part of the expenses of the office. The appointment and salary of such deputy is clearly a matter for the officer chosen as prothonotary. There is no relation between salary and population that would warrant the singling out of certain counties for this compulsory appointment and salary. The State should leave all this to the responsible parties or enact a law that is inclusive of all counties. The State ought not single out a defined group of counties and give them legislative direction denied to others.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 100.

AN ACT

Extending to the county of York the provisions of an act, entitled "An act granting the courts of this Commonwealth the power to appoint viewers to view certain streets and alleys in this Commonwealth," approved the fifteenth day of April, one thousand eight hundred and forty-five; and repealing so much of the proviso to the third section of said act as excludes from the operation of said act the county of York.

Section 1. Be it enacted, &c., That hereafter the enacting clauses of an act, entitled "An act granting the courts of this Commonwealth the power to appoint viewers to view certain streets and alleys in this Commonwealth," approved the fifteenth day of April, one thousand eight hundred and forty-five (Pamphlet Laws, four hundred and forty-nine), which are as follows:—

"Section 1. Be it enacted, &c., That the courts of quarter sessions shall have power to change or vacate any street or alley in any unincorporated village, and for this purpose shall proceed, on the petition of citizens desiring such change or vacation, by granting views or reviews, in the manner directed by law for laying out and vacating public roads.

"Section 2. That all damages which may be sustained by any owner of property, by reason of such change or vacation of any street or alley, shall be assessed by the same viewers or reviewers appointed as aforesaid, and shall be paid by the said petitioners before any order for any such change or vacation shall have effect, and within three months after the confirmation of the report of the said viewers or reviewers, otherwise said proceedings shall be set aside.

"Section 3. The costs of all such views and reviews shall be paid by the said petitioners, and may be enforced by said courts by rule and attachment against said petitioners," be, and the same are hereby, extended to the county of York.

Section 2. That so much of the proviso to the third section of said act, as excludes from the operation thereof the county of York, be, and the same is hereby, repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 11, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate bill No. 793, entitled "An act extending to the county of York the provisions of an act, entitled 'An act granting the courts of this Commonwealth the power to appoint viewers to view certain streets and alleys in this Commonwealth,' approved the fifteenth day of April, one thousand eight hundred and forty-five, and repealing so much of the proviso to the third section of said act as excludes from the operation of said act the county of York."

This bill extends to York County the provisions of the act of April 15, 1845 (P. L. 449). This old act expressly excludes York County together with other counties from its provisions. This bill eliminates York County from the proviso of negation in section 3 of said act. The effect is to extend the act of April 15, 1845, to York County alone.

Section 7 of Article 3 of the Constitution provides, "The General Assembly shall not pass any local or special law and * * * regulating the affairs of counties," etc. To regulate the affairs of York County by extending the act of 1845 is so manifestly unconstitutional that the bill cannot be approved.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 101.

AN ACT

To authorize county commissioners to appropriate, from moneys received from dog taxes, certain sums to societies for the prevention of cruelty to animals.

Section 1. Be it enacted, &c., That hereafter it shall be lawful for county commissioners of the several counties of the Commonwealth of Pennsylvania to appropriate, from moneys received from taxes upon dogs, such sums as they may deem expedient to any duly incorporated society within the county having for its object the prevention of cruelty to animals.

All acts or parts of acts inconsistent hereto are hereby repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 11, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate bill No. 928, entitled "An act to

authorize county commissioners to appropriate, from moneys received from dog taxes, certain sums to societies for the prevention of cruelty to animals."

This bill authorizes county commissioners to appropriate from moneys received as tax on dogs, certain sums to societies for the prevention of cruelty to animals.

The purpose is most praiseworthy. The effect on existing laws is, to say the least, doubtful if not harmful. By the act of June 3, 1915 (P. L. 791), a tax of \$2.00 is imposed upon male dogs and a tax of \$4.00 is imposed upon female dogs. By the act of May 25, 1893 (P. L. 136), this tax becomes, as collected, a separate fund, dedicated to the payment of damages by dogs to sheep, cattle, etc. By act of 1893 it is provided, in section 9, as amended April 23, 1901 (P. L. 92), that at the end of each year any sum in excess of \$2.00 remaining in the dog fund must be distributed (pro rata) among the several school districts of the county.

This bill is so vaguely drawn as to make possible the repeal of all these acts, or it may apply only in the repealing of the fund to the schools. In any event, these laws are valuable and ought not to be repealed for any purpose, no matter how important.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 102.

AN ACT

Providing for the formation and regulation of stock corporations having either or both preferred or common shares without nominal or par value; and authorizing such corporations to issue shares without par value upon formation, reorganization, merger, or consolidation.

Section 1. Be it enacted, &c., That upon the formation or reorganization of any stock corporation, under the laws of this Commonwealth now or hereafter in force, or upon the merger or consolidation thereunder of two or more such corporations, provision may be made for the issuance of the shares of stock of such corporation without any nominal or par value, by stating in the certificate of incorporation or reorganization, or in the joint agreement of merger or consolidation:

(a) The number of shares that may be issued by the corporation, either preferred of one or more classes or common with one or more classes, or both.

(b) The certificate of incorporation may also provide for the issuance of shares of preferred stock of any or all classes, and common stock of any class, by such corporation, without any nominal or par value.

(c) Where preferred stock is issued, under the terms of this act, the various classes shall be stated, if more than one, with the preferences, rights, and limitations with respect to each class; and the preferences or rights for any preferred stock may be stated, not with

respect to par value thereof, but the amount of dollars or cents which each share thereof shall be entitled to receive on account of dividends, cumulative or noncumulative, and the amount in dollars which each share shall be entitled to receive as a preference in the distribution of assets on dissolution. The preferred stock may also be issued with such rights of redemption, conversion into other stock of the corporation, and such other privileges as the certificate of incorporation or the by-laws may contain.

(d) In the certificate of incorporation there shall be stated the amount of capital with which the corporation will begin and carry on business; but, in no event, shall the amount be less than five thousand dollars.

(e) For all taxation purposes, except as hereinafter provided, preferred stocks without any nominal or par value, and common stocks without any nominal or par value, shall be valued at their actual value.

(f) Such statements in the certificate of incorporation shall be in lieu of any statements prescribed by the law under which the corporation shall have been formed or reorganized, or merged or consolidated, as to the amount of its capital stock, the number of shares into which the same shall be divided, or the amount or par value of such shares.

Section 2. Each share of such preferred stock without any nominal or par value, and each share of such common stock without any nominal or par value, shall be equal to every other share of such stock of the same class: Provided, however, That preferences may be given to any class as to dividends, which may be cumulative or noncumulative, and as to priority in distribution, by naming the amount of such preferred dividends and the amount of any preference in distribution in dollars, or dollars and cents, per share. That the voting power of the different classes of stock, whether preferred or common, to be issued hereunder, may be so regulated, subject to the Constitution and laws of this Commonwealth, as may be provided in the certificate of incorporation or reorganization, or in the by-laws of the corporation.

Section 3. Every certificate for such shares of stock without any nominal or par value shall have plainly written upon its face the number of such shares which it represents, and no certificate shall express any par value for such shares.

Section 4. The necessity for having a par value in any share of stock is hereby removed.

Section 5. Such corporation may issue and may sell its authorized shares, from time to time, for such consideration as may be prescribed in the certificates of incorporation or reorganization or in the joint agreement of merger or consolidation, or as, from time to time, may be fixed by the board of directors of such corporation.

Section 6. Any and all shares issued as permitted by this act shall be deemed fully paid and nonassessable, and the holder of such shares shall not be liable thereon to the corporation or to its creditors, except for the unpaid purchase price or consideration, where said stock has been issued or sold for a specific consideration.

Section 7. No corporation authorized to issue stock without any nominal or par value, in pursuance of this act, shall begin to carry on business, or shall incur any indebtedness, until the amount of its

capital, as stated in pursuance of this act, shall have been fully paid in cash, or in property taken at its actual value: Provided, That nothing in this act shall be held to exempt any corporation from the payment of ten per centum of its capital in cash, as now required by law.

Section 8. No such corporation shall declare any dividend which shall reduce the amount of its capital below the amount stated, in pursuance of this act, as the amount of capital with which the corporation will carry on business, nor out of anything except net profits or surplus. In case any such dividend shall be declared, the directors in whose administration the same shall have been declared,—except those who may have caused their dissent therefrom to be entered upon the minutes of such directors meeting at the time, or who, being absent when such action was taken, shall have filed their objections with the secretary of the corporation upon learning of such action,—shall be liable jointly and severally to such corporation, and to the creditors thereof, to the full amount of any loss sustained by such corporation or by its creditors, respectively, by reason of such dividend.

Section 9. Any corporation having shares without any nominal or par value, in pursuance of this act, may increase or reduce the number of shares which it may issue, or may increase or reduce the amount of its stated capital, in the manner and subject to the terms and conditions now provided by law for the increase or reduction of the capital stock of a similar corporation having shares with a par value. In case consent is given to an increase of stated capital, and to an increase of the number of shares that may be issued, or either, the resolutions of directors and of stockholders declaring such purpose and consenting to such increase shall be included in the return filed in the office of the Secretary of the Commonwealth, and shall specify both the amount of such authorized increase of stated capital, if any, and the number of additional shares authorized.

Section 10. The bonus required by law to be paid upon the authorized capital stock of a corporation shall, in the case of a corporation issuing shares without any nominal or par value, be paid upon the amount of capital with which the corporation carries on business, as stated, pursuant to section one, subdivision (d) of this act, and upon any increase thereof.

Section 11. For all purposes of a corporation formed hereunder, each share of stock without any nominal or par value shall be deemed to be an aliquot part of the aggregate capital of the corporation; subject, however, to any preferences, right, or limitations with respect to any or all classes of preferred stock, under this act.

Section 12. Unless otherwise provided in the certificate of incorporation, the by-laws, or the certificate of stock, wherever a preference is stated with respect to dividends or distribution, or both, such preferences so specified shall be all that the holder of such shares shall receive in dividends or distribution of assets, unless otherwise specifically provided and mentioned.

Section 13. Except as otherwise provided by this act, corporations issuing shares without any nominal or par value, under the provisions hereof, shall be and remain subject to the laws of this

Commonwealth now or hereafter in force relating to the formation and regulation of such corporations, and all other laws applicable thereto.

Section 14. All acts or parts of acts inconsistent herewith are hereby repealed.

Section 15. This act shall take effect immediately.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 11, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objection, Senate bill No. 816, entitled "An act providing for the formation and regulation of stock corporations having either or both preferred or common shares without nominal or par value; and authorizing such corporations to issue shares without par value upon formation, reorganization, merger, or consolidation."

This bill provides for the formation and regulation of corporations with a capital stock which does not have any nominal or par value. Bills of like import were vetoed as follows: In 1913 (See Vetoes p. 188), and in 1915 (See Vetoes p. 76). The reasons there given apply to this bill. The Department of the Secretary of the Commonwealth likewise objects to it, on the ground of its injurious effect upon taxes.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 103.

AN ACT

Authorizing Cambria County to bring suit against the Commonwealth in the court of common pleas of Dauphin County.

Section 1. Be it enacted, &c., That Cambria County is hereby authorized to bring suit in the court of common pleas of Dauphin County against the Commonwealth of Pennsylvania, for the recovery of such sum or sums of money as may be legally or justly due said county by the Commonwealth, for rewards and bounties for the destruction of noxious animals and birds, paid by said county under the provisions of the act of July twenty-fifth, one thousand nine hundred and thirteen (Pamphlet Laws, one thousand thirty-six), entitled "An act creating a reward or bounty for the destruction of certain noxious animals and birds killed within the Commonwealth of Pennsylvania; providing a method for the payment of the same by the several counties of the Commonwealth, which, in turn, are to be reimbursed by the Commonwealth; and providing penalties for violation of its several provisions," and reimbursement for which was refused by the officers of the Commonwealth.

Section 2. This suit shall be subject to the same rules of practice, pleadings, and evidence as in cases between individuals; and the right to bring suit hereby given shall not preclude the Commonwealth from raising any defense available to it in the suit hereby authorized.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg July 11, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objection, House bill No. 1390, entitled "An act authorizing Cambria County to bring suit against the Commonwealth in the court of common pleas of Dauphin County."

This bill authorizes Cambria County to sue the Commonwealth for the recovery of bounty money paid by the said county, and for which reimbursement was refused by the accounting officers of the Commonwealth.

The bill is unnecessary and should not have been passed, for the reason that prior to the passage of this bill there was enacted into law House bill No. 1288, now law No. 211 of this Session. Full notice of the enactment of the law was had by all members of the Assembly, and it amply covers for all counties, in a much more effective way, what this seeks to do for one county alone. Being superfluous, it ought not to have been enacted.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 104.

AN ACT

Providing for the appointment of a commission of five persons to revise and codify the lunacy laws.

Section 1. Be it enacted, &c., That the Governor is hereby authorized to appoint a commission of five persons, two of whom shall be learned in the law, and two shall be physicians, to revise and codify the lunacy laws and those pertaining to feeble-mindedness and drunkenness or inebriety, and make report to the next General Assembly, and to submit for consideration by the Legislature such drafts of bills, and to recommend such changes in existing law, as may to such commission seem desirable.

Section 2. The members of the commission shall serve without pay.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 11, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate bill No. 740, entitled "An act providing for the appointment of a commission of five persons to revise and codify the lunacy laws."

This bill authorizes the Governor to name a commission of five persons to codify and to revise the lunacy laws of Pennsylvania. The bill as originally drawn carried an appropriation to pay the expenses of a law clerk-stenographer, and named the sum of \$10,000 for

the service. All this was stricken out. Thus the commission would be obliged at its own expense to do this vastly important and exacting service. Usually in such cases there follows, in the course of time, a bill in a subsequent Assembly to reimburse the commission. This is not wise. It is not fair to the commission or to the Commonwealth. The Legislative Reference Bureau can perform this service, and until funds are provided for the payment of necessary service such commissions ought not to be created.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 105.

AN ACT

To amend section twenty-three of an act, entitled "An act to provide for the incorporation and regulation of certain corporations," approved April twenty-ninth, one thousand eight hundred and seventy-four, as amended by the fifth section of an act, entitled "A supplement to an act, approved April twenty-ninth, one thousand eight hundred and seventy-four, entitled 'An act to provide for the incorporation and regulation of certain corporations,' providing for the further regulation of such corporations and for the incorporation and regulation of certain additional corporations," approved April seventeenth, one thousand eight hundred and seventy-six; as amended by section one of an act, entitled "An act to amend section twenty-three of an act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved April twenty-ninth, one thousand eight hundred and seventy-four, as amended by the fifth section of an act, entitled 'A supplement to an act, approved April twenty-ninth, one thousand eight hundred and seventy-four, entitled 'An act to provide for the incorporation and regulation of certain corporations,' providing for the further regulation of such corporations and for the incorporation and regulation of certain additional corporations,' approved April seventeenth, one thousand eight hundred and seventy-six; requiring the filing of all the reports required by the Auditor General of the Commonwealth, and the payment of all taxes due the Commonwealth of Pennsylvania, by certain corporations, up to and including the date of the proposed sale, assignment, disposition and conveyance of the franchises and property of such corporation before the returns authorizing such sale, assignment, disposition, and conveyance shall be filed in the office of the Secretary of the Commonwealth," approved June second, one thousand nine hundred and fifteen (Pamphlet Laws, seven hundred and twenty-four); providing for the time of filing of returns in the office of the Secretary of the Commonwealth by certain corporations selling, assigning, disposing of, and conveying, their franchises and property; and requiring the filing of all the reports required by the Auditor General of the Commonwealth, and the payment of all taxes due the Commonwealth of Pennsylvania by said corporations, up to and including the date of proposed sale, assignment, disposition of, and conveyance of the franchises and property of said corporations; and certification thereof before one of said returns shall be so filed.

Section 1. Be it enacted, &c., That section twenty-three of an act, entitled "An act to provide for the incorporation and regulation of certain corporations," approved April twenty-ninth, one thousand eight hundred and seventy-four, as amended by the fifth section of an act, entitled "A supplement to an act, approved April twenty-ninth, one thousand eight hundred and seventy-four, entitled 'An act to provide for the incorporation and regulation of certain corporations,' providing for the further regulation of such corporations and for the incorporation and regulation of certain additional corporations," approved April seventeenth, one thousand eight hundred and seventy-six, as further amended by the first section of an act,

entitled "An act to amend section twenty-three of an act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved April twenty-ninth, one thousand eight hundred and seventy-four, as amended by the fifth section of an act, entitled 'A supplement to an act approved April twenty-ninth, one thousand eight hundred and seventy-four, entitled "An act to provide for the incorporation and regulation of certain corporations," providing for the further regulation of such corporations and for the incorporation and regulation of certain additional corporations,' approved April seventeenth, one thousand eight hundred and seventy-six; requiring the filing of all reports required by the Auditor General of the Commonwealth, and the payment of all taxes due the Commonwealth of Pennsylvania, by certain corporations, up to and including the date of the proposed sale, assignment, disposition, and conveyance of the franchises and property of such corporation before the returns authorizing such sale, assignment, disposition, and conveyance shall be filed in the office of the Secretary of the Commonwealth," approved June second, one thousand nine hundred and fifteen (Pamphlet Laws, seven hundred and twenty-four), which reads as follows:—

"Section 23. Any corporation created under the provisions of this act, and any corporation of the classes named in the second section hereof, that is now in existence by virtue of any law of this Commonwealth, may reduce its capital stock or alter and change the par value of the shares thereof, by a vote of the stockholders taken in the manner and under the regulations prescribed in the eighteenth, nineteenth, twentieth, twenty-first and twenty-second sections of this act; and it shall be lawful for any corporation in the same manner to sell, assign, dispose of and convey to any corporation created under or accepting the provisions of this act, its franchises, and all its property, real, personal and mixed, and thereafter such corporation shall cease to exist, and the said property and franchises not inconsistent with this act, shall thereafter be vested in the corporation so purchasing as aforesaid: Provided, That the returns required by said section shall not be filed in the office of the Secretary of the Commonwealth until each and every corporation, so selling, assigning, disposing, and conveying such franchises and property, shall have filed with the Secretary of the Commonwealth a certificate from the Auditor General of the Commonwealth, setting forth that all reports required by the Auditor General of the Commonwealth have been duly filed to the date of the proposed sale, assignment, disposition and conveyance; and that all taxes due the Commonwealth of Pennsylvania have been paid up to and including such date," be, and the same is hereby, amended to read as follows:—

Section 23. Any corporation created under the provisions of this act, and any corporation of the classes named in the second section hereof, that is now in existence by virtue of any law of this Commonwealth, may reduce its capital stock or alter and change the par value of the shares thereof, by a vote of the stockholders taken in the manner and under the regulations prescribed in the eighteenth, nineteenth, twentieth, twenty-first, and twenty-second sections of this act; and it shall be lawful for any corporation in the same manner to sell, assign, dispose of and convey to any corporation created under or accepting the provisions of this act, its franchises,

and all its property, real, personal, and mixed, and thereafter such corporation shall cease to exist, and the said property and franchises, not inconsistent with this act, shall thereafter be vested in the corporation so purchasing as aforesaid: Provided, That the return of the election by the stockholders of said corporation so selling, assigning, disposing of, and conveying its franchises and property, and the papers required by law to be attached thereto, shall be filed in the office of the Secretary of the Commonwealth within thirty days after said sale, assignment, disposition, and conveyance (1) shall have been approved by the stockholders by said election, and (2) shall also have been approved by any official commission, department or body of the government of the Commonwealth of Pennsylvania, the approval of which is necessary by law to the validity of the same: But provided further, That this act shall not be construed to require any approval now expressly required by law: And provided further, That the return of such sale, assignment, disposition, and conveyance by the president or treasurer of such corporation shall be filed in the office of the Secretary of the Commonwealth within thirty days (1) after the date of obtaining the certificate of the Auditor General of the Commonwealth as hereinafter required, and (2) also after the deed or other instrument by which the said franchises and property shall be sold, assigned, disposed of, and conveyed shall be recorded in the office of the recorder of deeds in and for the proper county or counties: And provided further, That the said last mentioned return shall not be so filed as aforesaid unless, and until, there shall be filed therewith a certificate of the Secretary of the Commonwealth setting forth that all reports required by the Auditor General of the Commonwealth have been duly filed to the date of the proposed sale, assignment, disposition, and conveyance,—which shall be the date of said deed or other instrument,—and that all taxes due the Commonwealth of Pennsylvania have been paid up to and including such date.

Section 2. All acts and parts of acts inconsistent herewith be, and the same are hereby, repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 11, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate bill No. 997, entitled "An act to amend section twenty-three of an act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved April twenty-ninth, one thousand eight hundred and seventy-four, as amended by the fifth section of an act, entitled 'A supplement to an act approved April twenty-ninth, one thousand eight hundred and seventy-four, entitled 'An act to provide for the incorporation and regulation of certain corporations providing for the further regulation of such corporations and for the incorporation and regulation of certain additional corporations,' approved April seventeenth, one thousand eight hundred and seventy-six, as amended by section one of an act, entitled 'An act to amend section twenty-three of an act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved April twenty-ninth, one thousand

eight hundred and seventy-four, as amended by the fifth section of an act, entitled 'A supplement to an act approved April twenty-ninth, one thousand eight hundred and seventy-four, entitled 'An act to provide for the incorporation and regulation of certain corporations,' providing for the further regulation of such corporations and for the incorporation and regulation of certain additional corporations,' approved April seventeenth, one thousand eight hundred and seventy-six; requiring the filing of all the reports required by the Auditor General of the Commonwealth, and the payment of all taxes due the Commonwealth of Pennsylvania, by certain corporations, up to and including the date of the proposed sale, assignment, disposition, and conveyance of the franchises and property of such corporation before the returns authorizing such sale, assignment, disposition, and conveyance shall be filed in the office of the Secretary of the Commonwealth,' approved June second, one thousand nine hundred and fifteen (Pamphlet Laws, seven hundred and twenty-four); providing for the time of filing of returns in the office of the Secretary of the Commonwealth by certain corporations selling, assigning, disposing of, and conveying their franchises and property; and requiring the filing of all the reports required by the Auditor General of the Commonwealth, and the payment of all taxes due the Commonwealth of Pennsylvania, by said corporations, up to and including the date of proposed sale, assignment, disposition of, and conveyance of the franchises and property of said corporations, and certification thereof before one of said returns shall be so filed."

This bill is designed as an amendment to section 23 of the act of 1874 relating to the merger of corporations. The bill is carelessly drawn. It provides that the return of election by the stockholders "shall have been approved by stockholders by said election." This is absurd. But after approval by the stockholders by an election and an approval by the appropriate department of the State Government, it provides that this act shall not be construed to require any approval now expressly required by law.

This would mean—if meaning it has—that mergers may be made without any approval whatever. Moreover, it requires that the returns of sale shall be filed with the Secretary of the Commonwealth in a defined time after obtaining a certificate of the Auditor General. Later it requires the Secretary of the Commonwealth to certify that all reports required by the Auditor General have been duly filed to the date of the proposed sale. Obviously the Secretary cannot make such a certificate. The whole procedure is such a mass of impossible and impractical features as to make it useless.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 106.

AN ACT

To exempt certain playgrounds not used for private or corporate profit from taxation, where the entire revenue is applied to support said playgrounds and to increase the efficiency and improvement thereof.

Section 1. Be it enacted, &c., That all playgrounds, with the equipments and grounds thereto annexed necessary for the occu-

pancy and enjoyment of the same, found, endowed, or maintained by public or private charity, applying the entire revenue derived by the same to their support and repair and to increase the efficiency and facilities thereof, either in grounds or buildings, or otherwise, and for no other purpose, and owned, leased, possessed, or controlled by public school boards or properly organized and duly constituted playground associations, and approved and accepted by the board of county commissioners or board of revision of taxes of the county in which said playgrounds are situated as such playgrounds,—be, and the same are hereby, exempt from county, city, borough, bounty, road, school, and poor taxes: Provided, That all property, real or personal, other than that which is in actual use and occupation for the purpose aforesaid, and from which any income or revenue is derived, shall be subject to taxation same as heretofore.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 11, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objection, Senate bill No. 1002, entitled "An act to exempt certain playgrounds not used for private or corporate profit from taxation, where the entire revenue is applied to support said playgrounds and to increase the efficiency and improvements thereof."

The purpose of this bill is to exempt certain playgrounds from taxation, including city and borough taxes. I believe fully in playgrounds where wisely supervised, and think they should be exempt from taxation when their entire income is given to the activities of the playgrounds. I am in sympathy with the purpose which this bill seeks to serve, but its crudity and involved provisions make it unfair and impracticable.

The playgrounds exempted are those applying their entire revenue to the facilities and appliances attendant thereon, and they must also be playgrounds owned, leased, possessed, or controlled by public school boards or properly organized and duly constituted playground associations, and they must, finally, be playgrounds approved and accepted by the board of county commissioners or board of revision of taxes of the county.

This bill requires cities and boroughs to exempt from taxation such playgrounds as the county authorities may determine. The city or borough would have no voice in the matter although they are most concerned. It is bad policy and questionable law to have one constituted body direct another equally empowered body. The bill is so crude that it is unwise to make it a part of our laws. The playgrounds—all of them, not some of them—should be freed of taxation when they give all their revenues to the purposes of the playground. The School Code of 1911 gives ample latitude to school boards in this matter.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 107.

AN ACT

Authorizing Edward F. Martin, a resident of Butler Borough, Butler County, Pennsylvania, to bring suit in the court of common pleas of Butler County against the Commonwealth of Pennsylvania.

Section 1. Be it enacted, &c., That Edward F. Martin, a resident of Butler Borough, Butler County, Pennsylvania, is authorized to bring suit in the court of common pleas of Butler County against the Commonwealth of Pennsylvania, for any sum or sums of money that may be legally or justly due the said Edward F. Martin, in his own right, arising out of certain injuries to him and his property while lawfully driving along State highway route number seventy-three in the county of Butler, Pennsylvania. This suit shall be subject to the same rules of practice, pleadings, and evidence as in other and similar cases between individuals; and the defense open to the Commonwealth shall be such as would be available to an individual if sued upon like facts.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 16, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House bill No. 1493, entitled "An act authorizing Edward F. Martin, a resident of Butler Borough, Butler County, Pennsylvania, to bring suits in the court of common pleas of Butler County against the Commonwealth of Pennsylvania."

This bill would permit Edward F. Martin to sue the Commonwealth for injuries alleged to have been sustained by him upon a State highway. When there is any evidence before me that the claimant has a reasonable claim upon the attention of the court, even if his case lack merit, I have approved such bills as this. This case is so manifestly unjust that it is not fair to compel the Commonwealth to spend the people's money in defense in this case. The record submitted by the Highway Department convinces me that there is really no occasion for a suit.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 108.

AN ACT

To further amend section five of an act, approved the seventh day of May, one thousand nine hundred and seven, entitled "An act regulating and defining the powers and duties of the Dental Council and the State Board of Dental Examiners; providing for appointment of examiners; defining qualifications of applicants for examination; condition of granting licenses; regulating and limiting the practice of dentistry; prohibiting practice by or employment of unlicensed persons, and providing punishment therefor, and disposition of fees and fines; and fixing the appropriation to the Dental Council."

Section 1. Be it enacted, &c., That section five of an act, approved the seventh day of May, one thousand nine hundred and seven (Pam-

phlet Laws, one hundred sixty-one), entitled "An act regulating and defining the powers and duties of the Dental Council and the State Board of Dental Examiners; providing for appointment of examiners; defining qualifications of applicants for examination; condition of granting licenses; regulating and limiting the practice of dentistry; prohibiting practice by or employment of unlicensed persons, and providing punishment therefor, and disposition of fees and fines; and fixing the appropriation to the Dental Council," as amended by an act approved the third day of May, one thousand nine hundred and fifteen (Pamphlet Laws, two hundred nineteen), entitled "An act to amend an act, approved the seventh day of May, one thousand nine hundred seven, entitled 'An act regulating and defining the powers and duties of the Dental Council and the State Board of Dental Examiners; providing for appointment of examiners; defining qualifications of applicants for examination; condition of granting licenses; regulating and limiting the practice of dentistry; prohibiting practice by or employment of unlicensed persons, and providing punishment therefor, and disposition of fees and fines; and fixing the appropriation to the Dental Council,'" which reads as follows:—

"Section 5. It shall be the duty of every person practicing dentistry within this Commonwealth to display, or cause to be displayed, his or her name, in a conspicuous place at or near the entrance to the office or place where he or she is practicing dentistry; and to keep his or her license and certificate of registration displayed in a conspicuous place where he or she practices, in such manner as to be easily seen and read. Any person practicing dentistry within this Commonwealth, within six months from the passage of this act, shall cause his or her license to be registered in the office of the prothonotary of the court of common pleas of the county in which such person shall practice dentistry, unless the same has already been registered in said county. Any person who shall neglect to cause his or her license to be registered as herein provided shall be construed to be practicing dentistry without a license: Provided, This act shall not affect the right of any person to practice dentistry who is entitled to do so under the provisions of an act of Assembly in force, or who shall have conducted the actual, lawful practice of dentistry in this Commonwealth for five years continuously preceding the passage of this act," be further amended to read as follows:—

Section 5. It shall be the duty of every person practicing dentistry within this Commonwealth to display, or cause to be displayed, his or her name, in a conspicuous place at or near the entrance to the office or place where he or she is practicing dentistry; and to keep his or her license and certificate of registration displayed in a conspicuous place where he or she practices, in such manner as to be easily seen and read. Any person practicing dentistry within this Commonwealth, within six months from the passage of this act, shall cause his or her license to be registered in the office of the prothonotary of the court of common pleas of the county in which such person shall practice dentistry, unless the same has already been registered in said county. Any person who shall neglect to cause his or her license to be registered as herein provided shall be construed to be practicing dentistry without a license.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 16, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objection, House bill No. 1535, entitled "An act to further amend section five of an act, approved the seventh day of May, one thousand nine hundred and seven, entitled 'An act regulating and defining the powers and duties of the Dental Council and the State Board of Dental Examiners; providing for appointment of examiners; defining qualifications of applicants for examination; condition of granting licenses; regulating and limiting the practice of dentistry; prohibiting practice by or employment of unlicensed persons, and providing punishment therefor, and disposition of fees and fines; and fixing the appropriation to the Dental Council.'"

This bill amends section 5 of the act of May 7, 1907 (P. L. 161), as amended by act of May 3, 1915 (P. L. 219). This bill omits the provision in existing law, that "This act shall not affect the right of any person to practice dentistry who is entitled to do so under the provisions of an act of Assembly in force, or who shall have conducted the actual, lawful practice of dentistry in this Commonwealth for five years continuously preceding the passage of this act."

The bill is intended to deny further practice to certain old dentists who were in practice prior to 1902 and are still practicing dentistry.

When the Medical Council was set up the old doctors were allowed to continue. Why not the old dentists? They are few in number. Their practice is steadily decreasing and the quieting hand of time will soon take care of this situation. It is scarcely fair by a decree of the Assembly suddenly to halt them—in their old age—from an activity they have pursued by law for so many years. When thought is turning to the care of aged persons it is scarcely fitting to strike at one group whose only declared fault is that they are growing old.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 109.

AN ACT

Authorizing Albert B. Smith, of the borough of Steelton, Dauphin County, Pennsylvania, to bring suit against and to recover from the Commonwealth of Pennsylvania, either in law or equity, in the court of common pleas of Dauphin County, any sum or sums of money legally or justly due him for services rendered the Pennsylvania Commission to Investigate Cold-Storage.

Section 1. Be it enacted, &c., That the General Assembly of the Commonwealth of Pennsylvania in General Assembly met, by virtue of the power vested in it by section eleven of article first of the Constitution of Pennsylvania, does hereby authorize and allow Albert B. Smith, of the borough of Steelton, Dauphin County, Pennsylvania,

to bring suit or suits against and to recover from the Commonwealth of Pennsylvania, either in law or equity, in the courts of common pleas of Dauphin County, any sum or sums of money that may be legally or justly due him for services rendered by him, in the years one thousand nine hundred and fourteen and one thousand nine hundred and fifteen, as stenographer to the Pennsylvania Commission to Investigate Cold-Storage; said suit or suits to be subject to the rules of pleading, evidence, and appeal as other suits brought in said court are subject.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 16, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House bill No. 1824, entitled "An act authorizing Albert B. Smith, of the borough of Steelton, Dauphin County, Pennsylvania, to bring suit against and to recover from the Commonwealth of Pennsylvania, either in law or equity, in the court of common pleas of Dauphin County, any sum or sums of money legally or justly due him, for services rendered the Pennsylvania Commission to Investigate Cold-Storage."

This bill authorizes Albert B. Smith, of Steelton, to sue the Commonwealth for a sum of money alleged to be due him for services rendered in 1913-14, as stenographer to a commission to investigate the cold-storage business in Pennsylvania. Why he was not paid at the time or why the claim has been dormant for four years is not apparent. However, it is manifest that if this sum is due Mr. Smith, and it seems so to be, the right procedure would be a bill appropriating the sum owed to him. This he did not do, nor did the legal department here know of this bill in time so to advise. To institute suit and put both parties to expense is unnecessary and unwise. The next Assembly can provide payment and the delay will not be as expensive to the claimant as litigation.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 110.

AN ACT

To authorize the sale and conveyance of portions of the land belonging to the Commonwealth of Pennsylvania in the county of Erie, now occupied by the Home for Disabled and Indigent Soldiers and Sailors.

Section 1. Be it enacted, &c., That the trustees, appointed under the act of the General Assembly, entitled "An act to provide for the establishment and maintenance of a Home for Disabled and Indigent Soldiers and Sailors of Pennsylvania," approved the third day of June, one thousand eight hundred and eighty-five (1885), be, and they are hereby, expressly authorized and empowered, acting for and on behalf of and in the name of the Commonwealth of Penn-

sylvania, to convey to the Pennsylvania Railroad Company, upon the terms to be mutually agreed upon by and between the aforementioned trustees and the Pennsylvania Railroad Company, the following described real estate, being part of which belongs to the Commonwealth of Pennsylvania, in the county of Erie, now occupied by the Home for Disabled and Indigent Soldiers and Sailors of Pennsylvania, and to make, execute, and deliver to the Pennsylvania Railroad Company a good and sufficient deed therefor; namely—all that certain piece or parcel of land situate in the first ward of the city of Erie, county of Erie, and State of Pennsylvania, bounded and described as follows, to wit:—

Beginning at a point in the dividing line between the lands of the Commonwealth of Pennsylvania and the Pennsylvania Railroad Company, said point being eighty-one and six-tenths feet, measured north, fourteen degrees thirty-nine minutes west (per deed of one thousand nine hundred and three, north, fifteen degrees thirty-nine minutes west), from a stone monument in said dividing line; thence north, seventy-nine degrees forty-five minutes east, two hundred and eighty feet to a point, said point being two hundred fifteen and forty-two hundredths feet from the center line of the Pennsylvania Railroad Company right of way; thence, by a line curving to the right with a radius of three thousand one hundred ninety and twenty-five hundredths feet, for a distance of seven hundred fifteen feet, to a point, said curved line being two hundred fifteen and forty-two hundredths feet northward from and parallel to the center line of the Pennsylvania Railroad Company right of way, and one hundred fifty feet northward from and parallel to the north right of way line of the Pennsylvania Railroad Company; thence, by a line curving to the right with a radius of one thousand eight hundred fifty-two and twenty-five hundredths feet, for a distance of two hundred seventy feet, said curved line being two hundred fifteen and forty-two hundredths feet north from and parallel to the center line of the Pennsylvania Railroad Company, and one hundred fifty feet northward from and parallel to the north right of way line of the Pennsylvania Railroad Company; thence, by a line curving to the left with a radius of three hundred fifty feet, for a distance of three hundred fifty feet, to a point in the west right of way line of the Pennsylvania Railroad Company, along what is known as its Whallon Tracks; thence, by a line curving to the left along its westerly right of way line of Whallon Tracks, for a distance of five hundred thirty feet to a point; thence, by the north right of way line of the Pennsylvania Railroad Company, north, sixty-eight degrees thirty-eight minutes west, one hundred sixty-three and six-tenths feet to a point; thence, along the right of way line of the Pennsylvania Railroad Company, north, eleven degrees twenty-two minutes east, nineteen and thirty-five hundredths feet to a point; thence, along the north line of the right of way of the Pennsylvania Railroad Company, by a line curving to the left with a radius of one thousand seven hundred two and twenty-five hundredths feet, for a distance of five hundred twelve and seven-tenths feet; thence, by a line curving to the left with a radius of three thousand and forty and twenty-five hundredths feet, for a distance of eight hundred twenty-four and nine-tenths feet, to a point; thence, north, fourteen degrees twenty-six

minutes west, twenty feet to a point; thence, by a line curving to the left with a radius of three thousand and sixty and twenty-five hundredths feet, for a distance of one hundred twenty-two and two-tenths feet, to a point; thence, north, twenty-six degrees thirty minutes west, sixty-nine and seven-tenths feet, to a stone monument; thence north, fourteen degrees thirty-nine minutes west (per deed of one thousand nine hundred and three, north, fifteen degrees thirty-nine minutes west), eighty-one six-tenths feet, to the place of beginning.

Section 2. That said deed to the Pennsylvania Railroad Company shall be executed by the president or by the vice-president of the board of trustees and attested by the secretary thereof, and shall be acknowledged by an attorney, to be appointed by the said board, in the manner provided by law for the acknowledgment of deeds by corporations.

Section 3. All acts or parts of acts inconsistent herewith be, and the same are hereby, repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 16, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objection, House bill No. 1881, entitled "An act to authorize the sale and conveyance of portions of the land belonging to the Commonwealth of Pennsylvania in the county of Erie, now occupied by the Home for Disabled and Indigent Soldiers and Sailors."

This bill authorizes the sale of the property occupied by the Home of Disabled and Indigent Sailors at Erie. The weakness of this bill is that it does not anywhere indicate what becomes of the proceeds of the sale. It does not even require that the sale be for cash, but "upon the terms mutually agreed upon by and between" the trustees of the Home and the purchasing corporation. It does not put the property in the open market. It names the purchaser and limits the trustees to one purchaser. The trustees have indicated no desire to sell, nor is it known that the contemplated sale would be in the interests of the poor inmates or of the Commonwealth.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 111.

AN ACT

Authorizing the school district of the city of Philadelphia to make an appropriation to the Philadelphia School of Design for Women, the Teachers' Annuity and Aid Association, and the Teachers' Institute.

Section 1. Be it enacted, &c., That the school district of the city of Philadelphia is hereby authorized to appropriate the sum of ten thousand dollars to the Philadelphia School of Design for Women, ten thousand dollars to the Teachers' Annuity and Aid Association, and three thousand dollars to the Teachers' Institute, for the purpose of carrying on their work.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 16, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objection, House bill No. 1490, entitled "An act authorizing the school district of the city of Philadelphia to make an appropriation to the Philadelphia School of Design for Women, the Teachers' Annuity and Aid Association, and the Teachers' Institute."

This act authorizes the school district of Philadelphia to appropriate certain moneys to the Philadelphia School of Design for Women, to the Teachers' Annuity and Aid Association, and to the Teachers' Institute.

There is in law no such school district. The School Code knows only four classes of school districts, and the school districts of the first class—of which Philadelphia is one—has in the School Code of 1911 abundant authority to make these appropriations. The objects are meritorious and the Legislature should leave this to the constituted authorities in the school district concerned.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 112.

A SUPPLEMENT

To the act, approved the first day of May, one thousand nine hundred and thirteen, entitled "An act defining vocational education; providing for the establishment and regulation of vocational schools; and providing for State aid in the maintenance thereof; and for the payment of tuition by certain school districts, and reimbursement thereof by the State;" providing for a course of study in agriculture in the public schools in rural districts, and providing State aid therefor.

Section 1. Be it enacted, &c., That the Bureau of Vocational Education shall outline a supplementary course of study in agriculture, suitable for the public schools in rural districts. Such course shall be conducted in the general schools of such districts, as a subject in the regular course of instruction.

The directors of rural school districts may, subject to the approval of the Bureau of Vocational Education, employ one or more teachers of agriculture to conduct such course in the general schools of the district, in accordance with the plan outlined by the Bureau of Vocational Education.

Section 2. Two-thirds of the salaries of such teachers, and of the expense necessary in carrying on such course, shall be paid by the Commonwealth to the school districts carrying on such course, in the manner provided in sections ten and eleven of the act to which this is a supplement.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 16, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objection, House bill No. 1689, entitled "A supplement to

the act, approved the first day of May, one thousand nine hundred and thirteen, entitled 'An act defining vocational education, providing for the establishment and regulation of vocational schools; and providing for State aid in the maintenance thereof; and for the payment of tuition by certain school districts, and reimbursement thereof by the State; providing for a course of study in agriculture in the public schools in rural districts, and providing State aid therefor.'

This bill is a supplement to the act of May 1, 1913 (P. L. 138). It directs the Bureau of Vocational Education to outline a supplementary course of study in agriculture for public schools in rural districts, and permits school directors, with the approval of the bureau named, to employ teachers in agriculture.

The School Code of 1911 gives the matter of course of study careful and defined attention. There is no need for this provision. It would only complicate and not improve the treatment of school curricula. The Assembly made no appropriation to pay the two-thirds of the salary of such teachers. The bill provides that two-thirds shall be paid by the Commonwealth. There is no use in erecting into law a procedure that is impossible. The cost would be in the aggregate an enormous sum. The revenues of the State cannot cover this expense. Moreover, there is nothing now to prevent any school district from doing the very thing this bill provides, save, of course, the district would be obliged to pay all the cost. The bill is superfluous.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 113.

AN ACT

Authorizing Nancie M. Searing, executrix of the estate of F. Roe Searing, deceased, of the city and county of Philadelphia, to sue the Commonwealth.

Section 1. Be it enacted, &c., That Nancie M. Searing, executrix of the estate of F. Roe Searing, deceased, of the city and county of Philadelphia, is authorized to bring suit in the court of common pleas of Philadelphia County against the Commonwealth of Pennsylvania, for any sum or sums of money that may be legally or justly due the said estate arising out of a contract for the construction of an armory at Lebanon, Lebanon County, Pennsylvania.

Such suit shall be subject to the same rules of practice, pleading, and evidence as in other and similar cases between individuals; and the defenses open to the Commonwealth shall be such as would be available to an individual if sued upon like facts.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 16, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House bill No. 1809, entitled "An act authori-

zing Nancie M. Searing, executrix of the estate of F. Roe Searing, deceased, of the city and county of Philadelphia, to sue the Commonwealth."

This bill authorizes the executrix of the estate of F. Roe Searing, deceased, to sue the Commonwealth for moneys alleged to be due on a contract for the construction of an armory at Lebanon.

There is no claim in this case against the Commonwealth. The contractor was given, as a first payment, \$1,152. A second payment was in process but was stopped by the disappearance of the contractor. The bondsmen finished the contract. The State paid the full contract price. If there is any money due this executrix it is from the bondsmen, not from the Commonwealth.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 114.

AN ACT

Forbidding the advertising, publishing, selling, distribution, or otherwise disseminating or imparting, or attempting to disseminate or impart, knowledge or information tending to interfere with or diminish the birth of human beings in the Commonwealth of Pennsylvania; defining it as a misdemeanor, and providing for its punishment.

Section 1. Be it enacted, &c., That any person who shall disseminate or impart, or attempt to disseminate or impart, information or knowledge tending to interfere with or diminish the birth of human beings in this Commonwealth, either by advertising or lecture, or distribution or sale or circulation of written or printed matter, or orally, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than two hundred fifty dollars (\$250), nor more than one thousand dollars (\$1,000), and imprisonment for a period of not less than three (3) months, nor more than one (1) year, either or both, at the discretion of the court.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 16, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House bill No. 1643, entitled "An act forbidding the advertising, publishing, selling, distribution, or otherwise disseminating or imparting, or attempting to disseminate or impart, knowledge or information tending to interfere with or diminish the birth of human beings in the Commonwealth of Pennsylvania; defining it as a misdemeanor, and providing for its punishment."

The bill forbids the publishing or otherwise disseminating of any information by anybody concerning birth control in this Commonwealth. The existing laws judiciously concern themselves with this matter. This bill does not. It is by far the most drastic bill in regard to birth control in this country. It is, by like token, one of the most reactionary enactments attempted in years.

The popular mind is filled—if I may judge this mind from many telegrams and letters before me—with all sorts of misconceptions concerning the provisions of this bill. It is not a bill to regulate the size of families, but an attempt to prevent any one from doing anything “to interfere with or diminish the birth of human beings in this Commonwealth.” Just how any one could diminish birth is not made manifest. The language is viciously vague and indefinite in the extreme. The bill might be construed to punish those that oppose the marriage of the insane or feeble-minded. Indeed, the Commonwealth’s own acts in segregating these unfortunates in institutions like Laurelton would come under the penalties of this bill. It is, in other words, counter to the whole current of modern social endeavor, and, as has been pointed out, could be made a convenient club for the blackmailer. It would deny a physician the duty, in defined cases, of advising his patient. It would seal the lips of mothers and fathers in counselling their children. It is an attempt to do by legislation what should be done by education. It would be a law more honored in its breach than in its observance. It is impracticable and unenforceable.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 115.

AN ACT

To amend sections one, four, and five of an act, approved the eighteenth day of May, one thousand nine hundred and fifteen, entitled “An act establishing a State Commission of Agriculture; defining its powers and duties, including its powers relative to the Department of Agriculture and the State Livestock Sanitary Board.”

Section 1. Be it enacted, &c., That section one of an act, approved the eighteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, five hundred forty-one), entitled “An act establishing a State Commission of Agriculture; defining its powers and duties, including its powers relative to the Department of Agriculture and the State Livestock Sanitary Board,” which reads as follows:—

“Section 1. Be it enacted, &c., That a State Commission of Agriculture is hereby established. It shall consist of seven commissioners, five of whom shall be farmers, to be appointed by the Governor, by and with the advice and consent of the Senate. The first commission shall be appointed as follows: Two for a term of two years, two for a term of four years, two for a term of six years, and one for a term of eight years. After the first appointments, each appointment, other than to fill a vacancy, shall be for a term of eight years. Any vacancy shall be filled by the Governor, by and with the advice and consent of the Senate, for the unexpired term. The commissioners shall receive no compensation, but shall be allowed all expenses necessarily incurred in the performance of their duties

Each commissioner, before entering upon the duties of his office, shall take and subscribe the oath of office prescribed by the Constitution of Pennsylvania," is hereby amended to read as follows:—

Section 1. Be it enacted, &c., That a State Commission of Agriculture is hereby established. It shall consist of seven commissioners, five of whom shall be farmers, to be appointed by the Governor, by and with the advice and consent of the Senate. The first commission shall be appointed as follows: Two for a term of two years, two for a term of four years, two for a term of six years, and one for a term of eight years. After the first appointments, each appointment, other than to fill a vacancy, shall be for a term of eight years. Any vacancy shall be filled by the Governor, by and with the advice and consent of the Senate, for the unexpired term. The commissioners shall receive fifteen hundred dollars per annum, and shall be allowed all expenses necessarily incurred. Each commissioner, before entering upon the duties of his office, shall take and subscribe the oath of office prescribed by the Constitution of Pennsylvania.

Section 2. That section four of said act, which reads as follows:—

"Section 4. The Governor, by and with the advice and consent of the Senate, shall appoint one Secretary of Agriculture. He shall receive a salary of five thousand dollars per year, and shall be allowed all expenses necessarily incurred in the performance of his duties. He shall give bond to the Commonwealth in the sum of ten thousand dollars, with sureties to be approved by the commission, conditioned for the faithful performance of the duties of his office. The first Secretary of Agriculture shall be appointed for a term of four years, and thereafter the Secretary of Agriculture appointed shall hold his office at the pleasure of the Governor," is hereby amended to read as follows:—

Section 4. The Commission of Agriculture shall appoint one Secretary of Agriculture. He shall receive a salary of five thousand dollars per year, and shall be allowed all expenses necessarily incurred in the performance of his duties. He shall give bond to the Commonwealth in the sum of ten thousand dollars, with sureties to be approved by the commission, conditioned for the faithful performance of the duties of his office. The first Secretary of Agriculture shall be appointed for a term of four years, and thereafter the Secretary of Agriculture appointed shall hold his office at the pleasure of the Commission of Agriculture.

Section 3. That section five of said act, which reads as follows:—

"Section 5. The Secretary of Agriculture, with the approval of the Governor and commission, shall appoint one Deputy Secretary of Agriculture, one Dairy and Food Commissioner, one Economic Zoologist, one State Veterinarian and one Deputy State Veterinarian, one chief chemist, and fix their respective duties and salaries. The salary of any of said officers shall not exceed four thousand dollars per annum. Such officials may be removed only by the commission, with the consent of the Governor. The Secretary of Agriculture, with the approval of the commission, shall appoint such officers and employees of the Department of Agriculture and State Livestock Sanitary Board as may be necessary, and fix their respective duties and salaries," is hereby amended to read as follows:—

Section 5. The Secretary of Agriculture, with the approval of the commission, shall appoint one Deputy Secretary of Agriculture, one

Dairy and Food Commissioner, one Economic Zoologist, one State Veterinarian and one Deputy State Veterinarian, one chief chemist, and fix their respective duties and salaries. The salary of any of said officers shall not exceed four thousand dollars per annum. Such officials may be removed only by the commission. The Secretary of Agriculture, with the approval of the commission, shall appoint such officers and employes of the Department of Agriculture and State Livestock Sanitary Board as may be necessary, and fix their respective duties and salaries.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 16, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House bill No. 1474, entitled "An act to amend sections one, four, and five of an act, approved the eighteenth day of May, one thousand nine hundred and fifteen, entitled 'An act establishing a State Commission of Agriculture, defining its powers and duties, including its powers relative to the Department of Agriculture and the State Livestock Sanitary Board.'"

This bill reorganizes the Department of Agriculture. It amends the act of May 18, 1915, by providing salaries for the members of the State Commission of Agriculture. The salary is \$1,500 per year each. It also, in a perfectly foolish way, undertakes to place the appointment of the executive officers away from the Governor. It could not, of course, do so. The purpose is so patent that he who runs may read. The bill was not conceived primarily to promote the agricultural interests of the Commonwealth. It is an old time ripper with no reason for the ripping.

The present department is only now becoming well organized for work. It is becoming increasingly useful. It will be more effective in the near future, and is operating upon a better basis in law than that provided in this bill.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 116.

AN ACT

Creating an Economy, Efficiency, and Budget Commission; designating its members; providing for a secretary and other employes thereof; and prescribing its powers and duties.

Section 1. Be it enacted, &c., That there is hereby created an Economy, Efficiency, and Budget Commission, hereinafter called the Commission. The commission shall consist of the Governor, Auditor General, State Treasurer, Attorney General, and the chairmen of the appropriation committees of the Senate and House of Representatives. The chairmen of the appropriation committees shall serve until the appointment of their respective successors at each succeeding biennial session of the Legislature. The Governor shall be chairman of the commission.

The commission shall appoint a secretary, and such clerks and stenographers as are necessary, at salaries to be fixed by the commission.

Section 2. The commission shall investigate the number, character of duties, and compensation of all persons in the employ of the State. It shall ascertain and recommend what changes, if any, are necessary to secure greater uniformity, economy, and efficiency in the work of the various departments, branches, bureaus, commissions, boards of trustees and other persons in charge of institutions owned and controlled by the State, or institutions receiving State aid. The commission shall also prepare and compile data, statistics of comparative costs, and the methods for disbursing and accounting for State funds, in the various departments, branches, bureaus, commissions, boards of trustees and other persons in charge of institutions owned and controlled by the State, or institutions receiving State aid, and shall make such suggestions and recommendations in relation thereto as it may deem proper.

The head of each department, bureau, commission, board of trustees and other persons in charge of institutions owned and controlled by the State, or institutions receiving State aid, and any other branch of the Government, shall afford the commission ample opportunity and facilities for the performance of its work.

Section 3. On or before December first in each even-numbered year, the head of each department, bureau, board, commission, or other division of the State Government, shall file with the commission a detailed statement of its estimated financial needs for the next biennium, together with the reasons for such needs. The commission may also, from time to time and in its discretion, require any such State officers, departments, bureaus, divisions, boards, or commissions to report to it with regard to such other fiscal affairs as the bureau deems necessary for the proper compilation of the tabulation provided for in section four of this act.

Section 4. The commission shall digest, prepare, and report to the General Assembly at the commencement of each biennial session, and not later than January fifteenth:—

(a) Full and detailed statement of the condition of the revenues of the State and the amount of the expenditures for the two fiscal years preceding.

(b) A full and detailed statement of the public debt.

(c) A full and detailed estimate of revenues and expenditures for the two next succeeding years.

(d) Such plans as the bureau deems expedient for the support of public credit, for lessening the public expenses, for using public money to the best advantage, for promoting frugality and economy in public offices, and, generally, for the better management and more perfect understanding of the financial affairs of the State.

(e) A tabular statement showing separately the whole amount of each appropriation of money made by the last session of the General Assembly, the amount paid under the same, and the balance unexpended.

(f) A tabular statement showing separately the amount of money received into the Treasury from all sources in the two preceding fiscal years, the amount received from each county, and the sources of revenue in each county for State purposes.

Section 5. The commission shall furnish to the General Assembly, at the commencement of each session, estimates of the expenses of the State Government and the rates of taxation necessary to pay the same for the two years next succeeding the close of the fiscal year, with a scheme in the form of a complete revenue bill to sustain such estimates.

Section 6. To carry out the purposes of this act a sum sufficient for the payment of salaries and other necessary expenses shall be appropriated, for the use of the commission, by an item in the general appropriation bill. All payments from such appropriation shall be made on orders of the chairman of the commission, on warrants of the Auditor General.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 16, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate bill No. 753, entitled "An act creating an Economy, Efficiency, and Budget Commission, designating its members, providing for a secretary and other employees thereof, and prescribing its powers and duties."

This bill creates an Economy, Efficiency, and Budget Commission, and there is appropriated, in the general appropriation bill, \$30,000 to pay the expenses of the commission. In 1913 an Economy and Efficiency Commission was created. Its report went to the Assembly in 1915. In 1915 a second commission with the same officers was created. This commission made report to the Assembly of 1917. Also, at the Senate's request by resolution, the report of the attorney of the commission was in full transmitted to the Senate. The effect in 1915 and again in 1917 was nothing. The Legislature is fully advised from these reports of all economies that four years of study evolved. They are also aware of the increased efficiency that these commissioners had in mind. There is no lack of knowledge, but a complete lack of Legislative enactments. To continue this work at an expense of \$30,000 is not warranted. No economy is conserved by doing so. The Executive arm of the State Government will in a definite way promote both economy and efficiency. It will answer in the quality of service to the people, and I am obliged to husband the limited available revenues. This requires the disapproval of this bill.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 117.

AN ACT

To amend section five hundred sixty of an act, approved the eighteenth day of May, one thousand nine hundred eleven, entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith."

Section 1. Be it enacted, &c., That section five hundred sixty of an act, approved the eighteenth day of May, one thousand nine hun-

dred eleven (Pamphlet Laws, three hundred and nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," which reads as follows:—

"Section 560. In all school districts of the second, third, and fourth class no tax-collector shall be reappointed, or be authorized to collect any school taxes in any school year, unless he shall first have settled his duplicate in full with the board of school directors for the preceding year, in the manner herein provided," is hereby amended to read as follows:—

Section 560. In all school districts of the third and fourth class no tax-collector shall be reappointed, or be authorized to collect any school taxes in any school year, unless he shall first have settled his duplicate in full with the board of school directors for the preceding year, in the manner herein provided.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 16, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objection, House bill No. 1357, entitled "An act to amend section five hundred sixty of an act, approved the eighteenth day of May, one thousand nine hundred eleven, entitled 'An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith.'"

This bill is identically the same as Senate bill No. 1134, which has been vetoed. Careless action in the Assembly brings both to me.

For this reason this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 118.

AN ACT

Creating a Salary Board of the Commonwealth of Pennsylvania; defining the powers and duties of the same; and providing penalties for the violation thereof.

Section 1. Be it enacted, &c., That the Governor, Auditor General, and State Treasurer shall constitute a board to be known as the Salary Board of the Commonwealth of Pennsylvania, which shall pass upon the necessity for the creation of, and shall fix the salary

of, each position necessary for the transaction of the business of any department, bureau, or commission of the Commonwealth not created by act of Assembly.

Section 2. It shall be unlawful for the head of any department, bureau, or commission, in charge of any division of the executive branch of the State Government, to create any position, appoint any person to a position not created by an act of Assembly, or change the salary of any such position, until the Salary Board shall have approved the necessity for the creation of such position and fixed the compensation for the same.

Section 3. Any officer of the Commonwealth violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding five thousand dollars, and undergo an imprisonment for a term not exceeding two years, or either or both, in the discretion of the court.

Section 4. All acts or parts of acts inconsistent herewith be, and the same are hereby, repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 16, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objection, House bill No. 1599, entitled "An act creating a Salary Board of the Commonwealth of Pennsylvania, defining the powers and duties of the same, and providing penalties for the violation thereof."

This bill creates a Salary Board, whose function is to fix all salaries of every position in any department of government in the Commonwealth, except those created by act of Assembly, and provides a penalty for violation, which may be \$5,000 or two years' imprisonment, or both. There is no evil to be remedied by this act. No places can be created or moneys paid save as provided by the Assembly. The general appropriation act carries \$200,000 for the uses of this board. While it is necessary at times to add to the force in a given department whose growth is rapid, it is always within the purview of the Assembly to provide for such increased force by granting the reasonable requests of heads of departments who are conversant with their needs. Moreover, there are, by law, at least two departments that would not, without legal complications, fall within the scope of this board's actions. The further manifest effect is to check freedom of action by a responsible head of a department. He is responsible for results and he should have freedom—under Assembly decrees—to administer his work promptly and fully for the good of the people.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 119.

AN ACT

To amend section one, and further amend section two, of an act, approved the twenty-third day of April, one thousand nine hundred and three, entitled "An act to designate a uniform date when the commissioners of the several counties shall issue their precepts to assessors to make the triennial assessments, and the reassessment between the periods of the triennial assessment, of property, and fixing the time for the return thereof," by providing for a quadrennial assessment instead of a triennial assessment.

Section 1. Be it enacted, &c., That section one of the act, approved the twenty-third day of April, one thousand nine hundred and three (Pamphlet Laws, two hundred and ninety-two, number two hundred twenty-four), entitled "An act to designate a uniform date when the commissioners of the several counties shall issue their precepts to assessors to make the triennial assessments, and the reassessment between the periods of the triennial assessment, of property, and fixing the time for the return thereof," which reads as follows:—

"Section 1. Be it enacted, &c., That the commissioners of the several counties of this Commonwealth shall issue their precepts, to make the triennial assessment of property, to the assessors of their respective townships, boroughs, wards and districts on or before the second Monday of September; and the said assessors are hereby required to complete the said assessment, and make their return thereof not later than the thirty-first day of December, Anno Domini one thousand nine hundred and three, and triennially thereafter," is hereby amended to read as follows:—

Section 1. That the commissioners and the board for the assessment and revision of taxes of the several counties of this Commonwealth shall, during the month of August in the year one thousand nine hundred and twenty, and quadrennially thereafter, issue their precepts, to make the quadrennial assessment of property, to the assessors of their respective townships, boroughs, wards and districts; and the said assessors are hereby required to complete the said assessment, and make their returns thereof, not later than the thirty-first day of December in the year in which said precepts were issued.

Section 2. That section two of said act, which, as amended by the act approved the thirteenth day of April, one thousand nine hundred and eleven (Pamphlet Laws, sixty-four, number sixty-two), entitled "An act to amend the second section of an act, approved the twenty-third day of April, Anno Domini one thousand nine hundred and three, entitled 'An act to designate a uniform date when the commissioners of the several counties shall issue their precepts to assessors to make the triennial assessments and the reassessments between the periods of the triennial assessment, of property, and fixing the time for the return thereof,' by requiring assessors to make returns of reassessment not later than ninety days from the date of issuing precepts," reads as follows:—

"Section 2. The said commissioners shall issue their precepts to the assessors, aforesaid, to make the reassessment of property, between the periods of the triennial assessments, on or before the second Monday of September; and the said assessors are hereby required

to complete the said reassessment, and to make their return thereof, not later than ninety days from the date of the issuing of said precepts," is hereby further amended to read as follows:—

Section 2. The said commissioners and the board for the assessment and revision of taxes shall issue their precepts to the assessors aforesaid, to make the reassessment of property, between the periods of the quadrennial assessments, during the month of August; and the said assessors are hereby required to complete the said reassessment, and to make their return thereof, not later than ninety days from the date of the issuing of said precepts.

Section 3. The triennial assessments made in the year one thousand nine hundred and fifteen shall be and remain in force until and including the year one thousand nine hundred and twenty; and the triennial assessment now required by law to be made in the year one thousand nine hundred and eighteen shall not be made by said assessors, nor shall precepts therefor be issued by the county commissioners of the several counties.

All laws now in force, relating to triennial assessments, shall remain in force and shall apply with like force and effect to the making of quadrennial assessments as herein provided for.

Section 4. All acts and parts of acts inconsistent with this act are hereby repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 16, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate bill No. 622, entitled, "An act to amend section one and further amend section two of an act, approved the twenty-third day of April, one thousand nine hundred and three, entitled 'An act to designate a uniform date when the commissioners of the several counties shall issue their precepts to assessors to make the triennial assessments, and the reassessment between the periods of the triennial assessment, of property, and fixing the time for the return thereof,' by providing for a quadrennial assessment instead of a triennial assessment."

This bill provides that county commissioners and boards of revision of taxes shall make quadrennial, and not, as now, triennial assessments. It also extends the triennial assessment of 1915 to and including 1920, a convenient way of preventing some present boards of county commissioners, whose terms expire before 1920, from making any assessment.

I am in favor of annual assessments. To any one conversant with the recent rapid rise in values in certain parts of this Commonwealth, it is manifest that an assessment that holds for four years would work great injustice to the people at large, and great advantage to the owning corporations, companies, and individuals.

An assessment is made say in 1916. Soon a great industrial boom comes along. New towns spring up. Roads and streets must be built. New schoolhouses erected. Light and power secured. Police systems enlarged and, in general, suddenly, a whole new series of expenses clamor for attention. The community is helpless. The old assessments hold, as in this bill, for four years. The new commu-

nity has no streets, no sewers, no water, no light, no schools. The money rightfully available upon the increased value of realty in the community is denied. A new assessment cannot be had for four years. The people suffer. The owners of the property grow rich. It is unfair, unjust, undemocratic.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 120.

AN ACT

Fixing the compensation of certain officers of the General Assembly.

Section 1. Be it enacted, &c., That from and after June one, one thousand nine hundred and seventeen, the compensation of the Librarian of the Senate and the Resident Clerk of the House of Representatives shall be five thousand dollars each per annum.

Section 2. All acts or parts of acts inconsistent herewith be, and the same are hereby, repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 16, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate bill No. 1188, entitled "An act fixing the compensation of certain officers of the General Assembly."

This bill increases the salaries of certain officers of the General Assembly. These salaries had an increase of 50 per cent. in 1915 and are now by this bill again to be increased. The present increase is from \$3,600 to \$5,000. Since these positions had substantial increases two years ago, and for the further reason that the Assembly made no provision to pay this present increase, it is not deemed just to others, whose increases from lack of funds must be denied, to approve this bill.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 121.

AN ACT

To amend section five hundred sixty of an act, approved the eighteenth day of May, one thousand nine hundred eleven, entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith."

Section 1. Be it enacted, &c., That section five hundred sixty of an act, approved the eighteenth day of May, one thousand nine hun-

for many years, and there is reason for much of the increased cost. The Legislature, by failure to make proper provisions to pay the expenses authorized, forces me to the unpleasant duty of denying even worthy objects of support.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 123.

AN ACT

Authorizing the State Treasurer to appoint additional officers and employes in the State Treasurer's office; enumerating the powers and duties of the Deputy State Treasurer, whose appointment is herein authorized; and fixing the salaries of such officers and employes.

Section 1. Be it enacted, &c., That the State Treasurer is hereby authorized to appoint the following officers and employes in the office of the State Treasurer, which shall be in addition to all other officers and employes now authorized by law to be appointed in the office of the State Treasurer; namely,—

One (1) Deputy State Treasurer, at an annual salary of six thousand (\$6,000) dollars, who is authorized to perform such duties as the State Treasurer may designate, and all the duties of the State Treasurer, including the authority to act on any board of which the State Treasurer is a member, during his absence or inability, or, in case of a vacancy in the office of State Treasurer, until his successor is duly qualified. The Deputy State Treasurer shall give bond to the Commonwealth of Pennsylvania in the sum of two hundred and fifty thousand (\$250,000) dollars, to be paid for and to be executed in the same manner as is now provided for the State Treasurer by law, to be approved by the Governor and filed with the bond of the State Treasurer. Said bond shall be conditioned for the true and faithful performance of the trusts and duties of the office of Deputy State Treasurer and for the correct accounting of all money and things of value entrusted to the care of such officer.

One (1) law clerk, learned in the law, at an annual salary of five thousand (\$5,000) dollars;

One (1) clerk, at an annual salary of one thousand eight hundred (\$1,800) dollars;

Two (2) clerks, at an annual salary of one thousand six hundred (\$1,600) dollars each;

Two (2) clerks, at an annual salary of one thousand five hundred (\$1,500) dollars each;

Four (4) clerks, at an annual salary of one thousand two hundred (\$1,200) dollars each;

One (1) stenographer, at an annual salary of one thousand two hundred (\$1,200) dollars;

One (1) messenger, at an annual salary of one thousand two hundred (\$1,200) dollars;

One (1) watchman, at an annual salary of one thousand (\$1,000) dollars.

Section 2. All acts or parts of acts inconsistent herewith be, and the same are hereby, repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 16, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate bill No. 1247, entitled "An act authorizing the State Treasurer to appoint additional officers and employes in the State Treasurer's office; enumerating the powers and duties of the Deputy State Treasurer, whose appointment is herein authorized; and fixing the salaries of such officers and employes."

This bill increases the number of officers and employes in the Department of the State Treasury. The total increase carried by the bill for two years is \$54,400. In 1915 this department was reorganized and its appropriation largely increased in order to meet the new duties imposed by legislation then enacted. The present bill adds such an important sum to the cost of maintaining this department that it is impossible to authorize it, in view of the fact that the Assembly made no adequate provision to pay the expenses it authorized. For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 124.

AN ACT

To amend an act, approved the eighteenth day of May, Anno Domini one thousand nine hundred and eleven, entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," the amendments intending to prevent any alteration in the standard subjects of common school education, or any lowering of the nature thereof.

Section 1. Be it enacted, &c., That the sixteen hundred and eleventh section of the act, approved the eighteenth day of May, Anno Domini one thousand nine hundred and eleven, entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," which reads as follows:—

"Section 1611. Teachers in the public elementary schools in this Commonwealth shall, under the direction of the proper superintendents of schools, grade and classify the pupils in their schools so that they may pursue the courses of study herein provided for, and all pupils found proficient may be promoted twice each year," is amended to read as follows:—

Section 1611. Teachers in the public elementary schools in this Commonwealth shall, under the direction of the proper superintendents of schools, grade and classify the pupils in their schools so that they may pursue the courses of study herein provided for, and all pupils found proficient may be promoted twice each year: Provided, That in establishing the grade of proficiency in the several courses of study, surplus credit in any one branch or course in which the pupil is proficient shall not be transferred to another course or branch of study in which that pupil may be deficient; nor shall excellence in any one branch be used by a teacher to atone for a pupil's deficiency in another branch. No recommendation for promotion shall be based upon proficiency in any branch of art, science, history, or education that is not taught within the school in which the promotion is to be made; nor shall proficiency in any such branch, however complete, be substituted for proficiency in spelling, reading, writing, arithmetic, geography, English grammar, and history of the United States and that of Pennsylvania.

Section 2. That section sixteen hundred and twelve of the said act of May eighteenth, Anno Domini one thousand nine hundred and eleven, which reads as follows:—

"Section 1612. In school districts of the second, third and fourth class, every teacher in the public elementary or high schools shall make and keep a proper record of the work and progress of each pupil, and at the end of each term shall include, in the last monthly report required from such teacher by the provisions of this act, the grade of proficiency of each pupil and his standing in the several branches pursued by him in the said school, as well as the conduct of such pupil, together with such recommendations for his promotion or retention for additional preparation as such teacher deems just and proper; and until his record and report as herein required shall have been examined and approved by the district superintendent, supervising principal, or the secretary of the board of school directors, no teacher shall be paid any salary for the last month of his term," is amended to read as follows:—

Section 1612. In school districts of the second, third and fourth class, every teacher in the public elementary or high schools shall make and keep a proper record of the work and progress of each pupil, and at the end of each term shall include, in the last monthly report required from such teacher by the provisions of this act, the grade of proficiency of each pupil and his standing in the several branches pursued by him in the said school, as well as the conduct of such pupil, together with such recommendations for his promotion or retention for additional preparation as such teacher deems just and proper: Provided, That in grading the pupil in the several branches pursued by him, surplus credit in any one branch in which the pupil may be expert shall not be transferred to another branch in which that pupil is deficient; nor shall excellence in any one

branch be used by a teacher to atone for a pupil's deficiency in another branch. No recommendation for promotion shall be based upon proficiency in any branch of art, science, history, or education that is not taught within the school in which the promotion is to be made; nor shall proficiency in any such branch, however complete, be substituted for proficiency in spelling, reading, writing, arithmetic, geography, English grammar and history of the United States and that of Pennsylvania. Until the teacher's record and report as herein required shall have been examined and approved by the district superintendent, supervising principal, or the secretary of the board of school directors, no teacher shall be paid any salary for the last month of his term.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 16, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate bill No. 70, entitled "An act to amend an act, approved the eighteenth day of May, Anno Domini one thousand nine hundred and eleven, entitled 'An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith,' the amendments intending to prevent any alteration in the standard subjects of common school education, or any lowering of the nature thereof."

This is an amendment to the School Code of 1911 (P. L. 309), by providing that a surplus credit in one course of study shall not be transferred to another course in which the pupil is deficient. Thus, if a pupil had 90 per cent. in penmanship and 60 per cent. in arithmetic, and the passing mark were 70 per cent., this amendment would forbid the taking of, say, 15 per cent. from the penmanship work and adding it to the arithmetic work.

The purpose is therefore sane and wise. But who ever heard of a teacher who by a shift of percentages could produce rounded and balanced knowledge? Legislative prohibition is unnecessary. Regulation and supervision control in such cases and placing of this legislation upon our statute books is an implied censure of our teaching force. I cannot believe that any teacher could be found who would do the unethical thing this bill prohibits.

The attempt to gain school credits by such courses as music by correspondence is absurd, and as soon as known will by executive regulation be promptly suppressed.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 125.

AN ACT

Validating certain elections of counties, cities, boroughs, townships, school districts, and other incorporated districts, held pursuant to the provisions of an act approved the twentieth day of April, Anno Domini one thousand eight hundred and seventy-four, entitled "An act to regulate the manner of increasing the indebtedness of municipalities, to provide for the redemption of the same, and to impose penalties for the illegal increase thereof," and the amendments thereto, and validating bonds issued or ~~was~~ authorized to be issued in pursuance of such election.

Section 1. Be it enacted, &c., That all elections heretofore held by any county, city, borough, township, school district, or other municipality or incorporated district, within this Commonwealth, to increase its indebtedness under the provisions of an act, entitled "An act to regulate the manner of increasing the indebtedness of municipalities, to provide for the redemption of the same, and to impose penalties for the illegal increase thereof," approved the twentieth day of April, one thousand eight hundred and seventy-four, and under the acts amendatory thereof, where the majority of votes cast at such election was in favor of the increase of indebtedness, be, and the same are hereby, ratified, confirmed, and made valid, notwithstanding the authorities of such county, city, borough, township, school district, or incorporated district did not, by separate and independent action prior to the ordinance or vote in pursuance of which notice of the election was given to the electors, signify their desire for such increase of indebtedness to the amount as set forth in the notice of election; or did not, in the words of the act and supplements aforesaid authorizing such increase, signify their desire for such increase of indebtedness; or where the ordinance or vote signifying such desire or providing for the notice of election, was not advertised, posted, or recorded as required by law; or where the ballots were not certified or signed by the county commissioners, or were not printed on the official ballot after the list of candidates, but were printed on separate ballots; or where full, complete, and proper return of the votes was not made to the proper court or counted by the court; and notwithstanding any defect or informality in the manner of giving notice of such election, or in the manner of holding such election or in the conduct thereof, or by reason of failure to comply with the requirements of any act of Assembly providing for the arrangement or equipment of the polling-places; and notwithstanding any mistake in stating the amount or percentage of the existing debt or the percentage of the proposed increase. All bonds issued or to be issued in pursuance of every such election are hereby made valid binding obligations of every such county, city, borough, township, school district, or incorporated district:

Provided, however, That all the other requirements of the law concerning such election and the issue of bonds have been complied with: Provided further, however, That the provisions of this act shall not apply to any case where the issue of bonds pursuant to a special election is now or has been enjoined by a law court of this Commonwealth.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 16, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate bill No. 157, entitled "An act validating certain elections of counties, cities, boroughs, townships, school districts, and other incorporated districts, held pursuant to the provisions of an act approved the twentieth day of April, Anno Domini one thousand eight hundred and seventy-four, entitled 'An act to regulate the manner of increasing the indebtedness of municipalities, to provide for the redemption of the same, and to impose penalties for the illegal increase thereof,' and the amendments thereto, and validating bonds issued or authorized to be issued in pursuance of such election."

This bill must be considered with Senate bill No. 905 and House bill No. 584—all of which are validating acts relating to elections held under the act of 1874 for the increase of municipal indebtedness. The bills are in general alike. The differentiation arises from the fact that each is apparently drawn to validate some specific election in which municipal authorities failed to conform to the act of 1874. They are all alike unnecessary. The act of May 14, 1915 (P. L. 473), substantially covers the ground and provides the necessary treatment.

These bills are in effect indictments of municipal management. Instead of seeking legislative immunity for failure to comply with the plain provisions of the law, let these offending officials pay the penalty of their carelessness or neglect. It will be a good lesson in proper conduct of public business. We do not run to the Assembly to get immunity for individuals who even ignorantly violate the laws of the Commonwealth. Why, then, should we do so for officials? So long as the Legislature is overwilling to validate all sorts of actions not legally authorized, we shall continue to have poor government. As soon as it is definitely established that officials are responsible under law they will endeavor to ascertain what the law is and will conform to it.

Of what use are laws regulating the increase of indebtedness if every provision of law can be violated with impunity, and then have such illegal action validated by the Legislature?

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 126.

AN ACT

Amending sections one, two, three, four, five, six, seven, eight, ten, eleven, twelve, and fifteen of an act, repealing section fourteen of said act, and supplementing said act, approved the third day of June, one thousand nine hundred and eleven (Pamphlet Laws, six hundred and fifty-eight), entitled "An act establishing the office of State Fire Marshal; defining his powers and duties; providing for his compensation, and the maintenance of his office; giving courts the power to punish witnesses for contempt of his authority, and to review his orders; and making it the duty of officers of public instruction and persons in charge of public or private schools to instruct children as to the dangers of fire and the prevention of fire waste;" changing the office of State Fire Marshal to the Department of Fire Prevention; providing for the appointment of a State Fire Commissioner, and other officers and employes under the Department of Fire Prevention; and fixing their salaries, fees, powers, and duties; authorizing the adoption and enforcement of rules and regulations concerning explosives, inflammable and combustible products and substances; authorizing the investigation of fires, and the making of certain reports in connection therewith; and conferring on the State Fire Commissioner and officers under him the power of police officers and constables, with the power to make arrests with or without warrants, and to issue subpoenas requiring attendance at hearings for the investigation of fires; providing a procedure for the inspection of buildings, and the destruction, removal, and repair of dangerous buildings, premises, and property, and the collection of the cost thereof in certain cases from the owner by liens, and giving such liens priority; requiring constables and police officers to serve certain warrants and subpoenas; and providing penalties for the violation of the several provisions of this act.

Section 1. Be it enacted, &c., That section one of an act, approved the third day of June, one thousand nine hundred and eleven (Pamphlet Laws, six hundred and fifty-eight), entitled "An act establishing the office of State Fire Marshal; defining his powers and duties; providing for his compensation, and the maintenance of his office; giving courts the power to punish witnesses for contempt of his authority, and to review his orders; and making it the duty of officers of public instruction and persons in charge of public or private schools to instruct children as to the dangers of fire and the prevention of fire waste," which reads as follows:—

"Section 1. Be it enacted, &c., That the Governor of the Commonwealth shall, within thirty days after the approval of this act, appoint a State Fire Marshal, who shall hold office for a term of four years, or until his successor is appointed and qualified. The State Fire Marshal shall be a citizen of the Commonwealth of Pennsylvania, shall keep his office in the capitol at Harrisburg, and shall devote his entire time to the duties of his office. He shall receive an annual salary of five thousand (5,000) dollars, and in addition shall be paid his actual and necessary expenses incurred in the performance of the duties of his office. He shall give bond, in the sum of ten thousand (10,000) dollars, for the faithful performance of his duties," is hereby amended to read as follows:—

Section 1. Be it enacted, &c., That there be and is hereby established a Department of Fire Prevention, the chief officer of which shall be the State Fire Commissioner. The Governor of the Commonwealth shall appoint the State Fire Commissioner, who shall hold office for a term of four years, or until his successor is appointed and qualified. The State Fire Commissioner shall be a citizen of the Commonwealth of Pennsylvania, shall keep his office in the capitol at Harrisburg, and shall devote his entire time to the duties of his office. He shall receive an annual salary of five thousand

(\$5,000) dollars, and in addition shall be paid his actual and necessary expenses incurred in the performance of the duties of his office. He shall give bond in the sum of ten thousand (\$10,000) dollars for the faithful performance of his duties.

Section 2. That section two of said act, which reads as follows:—

“Section 2. The State Fire Marshal shall appoint a chief assistant fire marshal, who shall receive an annual salary of four thousand (4,000) dollars; and a first and second deputy fire marshal, each of whom shall receive an annual salary of three thousand (3,000) dollars. Each such assistant and deputy shall also be paid his actual and necessary expenses incurred in the performance of the duties of his office. The State Fire Marshal shall also appoint one or more stenographers, at an annual salary not to exceed one thousand two hundred (1,200) dollars each; and such other clerks and assistants as may be needed, at a cost of not exceeding three (3) dollars per day each. In case of the absence of the State Fire Marshal, or his inability, for any cause, to discharge the duties of his office, such duties shall devolve upon the chief assistant fire marshal. In case of the absence or inability, for any cause, of both the State Fire Marshal and chief assistant fire marshal, their duties and powers shall devolve upon the first deputy, and failing him, upon the second deputy,” is hereby amended to read as follows:—

Section 2. The State Fire Commissioner shall appoint a First Deputy State Fire Commissioner, who shall receive an annual salary of four thousand (4,000) dollars; a Second Deputy State Fire Commissioner, who shall receive an annual salary of three thousand (3,000) dollars; and four Deputy State Fire Commissioners, each of whom shall receive an annual salary of three thousand (3,000) dollars. One of said Deputy State Fire Commissioners shall be an engineer versed in the construction of buildings, and one shall be an expert in the manufacture and use of chemicals, and one shall be an electrical engineer. The State Fire Commissioner may also, from time to time, appoint such State Fire Marshals as may be necessary and not to exceed forty in number. Ten of said State Fire Marshals shall receive an annual salary not to exceed eighteen hundred (1,800) dollars each, and shall be experienced investigators, and the remaining thirty shall receive an annual salary not to exceed fifteen hundred (1,500) dollars each. All of the officers designated in this section shall, in addition to their salary, be paid the actual and necessary expenses incurred in the performance of the duties of their offices. The State Fire Commissioner shall also appoint a chief clerk, at an annual salary of twenty-five hundred (2,500) dollars; a statistician, at an annual salary of two thousand (2,000) dollars; one or more stenographers, at an annual salary not to exceed twelve hundred (1,200) dollars each; a messenger, at an annual salary of eleven hundred (1,100) dollars; and such other clerks as the work of the department may require, at an annual salary not to exceed fifteen hundred (1,500) dollars each.

The State Fire Commissioner and all the officers provided for by this section shall, in the enforcement of this act or anything pertaining thereto, possess all the powers of police officers and constables of the several cities, boroughs, and townships of the Commonwealth.

Section 3. That section three of said act, which reads as follows:—

"Section 3. The chief of the fire department in any county, city, borough, township, school district, or other municipality or incorporated district, where such fire department is established, or, where no such fire department exists, the burgess of any borough, or president or chairman of the board of supervisors of any township or other municipality or incorporated district, shall be, by virtue of such office held by them, assistants to the State Fire Marshal, and subject to the duties and obligations imposed by this act, and subject to the directions of the State Fire Marshal in the execution of the provisions hereof. The State Fire Marshal may also appoint individual citizens as assistants, who shall be subject to the duties and obligations aforesaid, and to the directions of the State Fire Marshal. Immediately upon taking office, the State Fire Marshal shall prepare instructions to the assistant fire marshals, and forms for their use in the reports required by this act, and shall cause them to be printed and sent, together with a copy of this law, to each such officer in the Commonwealth," is hereby amended to read as follows:—

Section 3. The chief of the fire department of any county, city, borough, township, or town where a fire department is established, or, where no such fire department exists, the burgess of any borough or town, or the president or chairman of the board of supervisors or commissioners, or constables of any townships, shall by virtue of such office held by them, if appointed by the State Fire Commissioner, be Assistant State Fire Marshals, and subject to the duties and obligations imposed by this act, and subject to the directions of the State Fire Commissioner in the execution of the provisions hereof. Any such appointment may be revoked at the direction of the State Fire Commissioner. The State Fire Commissioner may also appoint individual citizens as Assistant State Fire Marshals, who shall be subject to the duties and obligation aforesaid, and to the directions of the State Fire Commissioner.

The State Fire Commissioner may adopt and enforce rules and regulations governing the having, using, storage, sale, and keeping of gasoline, naphtha, kerosene, or other substance of like character, blasting-powder, gunpowder, dynamite, or any other inflammable or combustible chemical products or substances or materials. The State Fire Commissioner may also adopt and enforce rules and regulations requiring the placing of chemical or liquid gas fire-extinguishers in buildings.

The State Fire Commissioner may also adopt and enforce rules and regulations relative to the overcrowding of places of entertainment and amusement and all other places where people congregate in buildings.

The State Fire Commissioner shall have full power to prescribe and direct the carrying out of all details and instructions which he shall deem requisite to carry out the provisions and purposes of this act and the act amended and supplemented hereby.

Section 4. That the fourth section of said act, which now reads as follows:—

"Section 4. The assistants of the State Fire Marshal shall investigate the cause, origin, and circumstances of every fire occurring in this State, by which life or property has been destroyed, damaged, or

endangered, and so far as possible shall determine whether the fire was the result of design or carelessness. Such investigation shall be begun immediately upon the occurrence of the fire, by the assistant in whose territory it has occurred, and if it appears to the assistant making such investigation to be of suspicious origin the State Fire Marshal shall be immediately notified of such fact. Every fire occurring in this State shall be reported in writing to the State Fire Marshal, within ten days after its occurrence, by the assistant in whose jurisdiction it occurred. Such report shall be in the form prescribed by the State Fire Marshal, and shall contain a statement of all facts relating to the cause and origin of such fire that can be ascertained, the extent of damage thereof, the insurance upon the property injured or destroyed, and such other information as may be required: Provided, however, That the duties to be performed by the assistant fire marshals, or any of them, may be limited by the State Fire Marshal so as to reasonably accord with their pre-existing public duties," is hereby amended to read as follows:—

Section 4. Each of the aforesaid assistants shall investigate the origin, cause and other circumstances of every fire, by which any property or life has been destroyed, damaged, or endangered, occurring within the territorial limits of their respective counties, boroughs, townships, or towns, and shall make every effort to determine whether such fires were of incendiary origin or the result of design, carelessness, or accident.

Upon the occurrence of any fire such assistant shall report the same to the State Fire Commissioner within five days of its occurrence. If it appears to the assistant making such investigation to be of such character and origin as shall require thorough and exhaustive investigation, he shall immediately notify the State Fire Commissioner to that effect, and shall, when directed by the State Fire Commissioner, assist in the making of such investigation. The reports of any such fire shall be made in writing, and in the manner and form prescribed by the State Fire Commissioner on the blanks furnished for that purpose. Such reports shall in every case contain a statement of—

- (a) All the facts relating to the cause of such fire that can be ascertained;
- (b) The extent of the loss and damage to each property;
- (c) The loss of life and personal injuries caused thereby or resulting therefrom;
- (d) The amount of insurance upon each property destroyed or damaged, and such other information as may be required by the State Fire Commissioner.

The assistants shall notify the State Fire Commissioner, at his office in Harrisburg, immediately by telephone, or telegraphic message of not more than ten words, of the occurrence of any incendiary fire.

The duties hereinabove prescribed to be performed by the said assistant may be limited by the State Fire Commissioner, at his discretion, when requested in writing so to do.

Any of the aforesaid assistants who shall neglect or refuse to report to the State Fire Commissioner, or to make reports or investigations of fires, as provided in this section, shall be guilty of a mis-

demeanor, and, upon conviction, shall be sentenced to pay a fine not exceeding fifty dollars or to undergo imprisonment not exceeding thirty days, or both, at the discretion of the court.

Section 5. That the fifth section of said act, which now reads as follows:—

“Section 5. The State Fire Marshal, his deputies or assistants, upon the complaint of any person, or whenever he or they shall deem it necessary, shall inspect the buildings and premises within their jurisdiction. Whenever any of the said officers shall find any building or structure which, for want of repairs, or by reason of age or dilapidated condition, or for any other cause, is especially liable to fire and so situated as to endanger other property, he or they shall order the same to be removed or remedied, if the same is reasonably practicable, thereby lessening the danger from fire. Whenever such officer shall find in any building combustible or explosive matter or inflammable conditions which are in violation of any law or ordinance applicable thereto, or are dangerous to the safety of such buildings, thereby endangering other property, he or they shall order the same to be removed or remedied, and such order shall forthwith be complied with by the owner or occupant of such premises or building. If such order is made by a deputy or assistant of the State Fire Marshal, such owner or occupant may, within five days, appeal to the State Fire Marshal, who shall within ten days review such order and file his decision thereon; and unless by his authority the order is revoked or modified, it shall remain in full force and be obeyed by such owner or occupant: Provided, however, That any such owner or occupant, who feels himself aggrieved by such order, may, within five days after the same has been affirmed by the State Fire Marshal, file his petition with the court of common pleas of the proper county, praying a review of such order; and it shall be the duty of the court to hear the same at the first convenient day, and to make such order in the premises as right and justice may require.

“Any owner or occupant failing to comply with such order within ten days after said appeal shall have been determined, or, if no appeal is taken, then within twenty days after the service of said order, shall be liable to a penalty of twenty-five dollars for each day's neglect thereafter. The service of any such order shall be made upon the occupant of the premises to whom it is directed, by either delivering a true copy of same to such occupant personally, or by delivering the same to and leaving it with any person in charge of the premises, or, in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of the said premises. Whenever it may be necessary to serve such an order upon the owner of premises, such order may be served either by delivering to and leaving with the said person a true copy of the said order, or, if such owner is absent from the jurisdiction of the officer making the order, by mailing such copy to the owner's last known post-office address. The penalties herein provided may be recovered as debts are by law collectible, in any courts having jurisdiction of the parties. Such action shall be brought in the name of the Commonwealth, under the direction of the State Fire Marshal or any of his deputies or assistants, by the Attorney General, or by any district attorney or legally constituted law officer of any county, city, borough, township, or other municipality, who

may be designated by the Attorney General; or, at the option of the Attorney General, he may designate any attorney to bring such action," is hereby amended to read as follows:—

Section 5. The State Fire Commissioner on his own motion, or upon complaint in writing, shall inspect any buildings, premises, or property, which, in his judgment, require inspection. The other officers named in this act shall likewise, upon their own motion, or upon complaint in writing, inspect any buildings, premises, or property within their respective territories, which, in their judgment, may require inspection, and shall make such other inspections as are required by the State Fire Commissioner.

Whenever the State Fire Commissioner or any of his deputies, marshals or assistants, shall find any building, premises, or property which, for any cause or reason, are especially liable to fire or in any way a menace to human life, or shall find that any building, premises, or property are so situate as to endanger any other building, premises, or property, or is so occupied that, in the event of fire, it would endanger human life or property therein, the State Fire Commissioner, his deputies or marshals, shall order such building or buildings, premises or property, to be repaired and placed in a safe condition within such reasonable time as may be specified in said order.

If the State Fire Commissioner or any of his deputies, marshals or assistants shall find in any building or upon any premises any unnecessary accumulation of rubbish, rags, waste paper, boxes, shavings, or any other inflammable material; or any oil, naptha, gasoline, kerosene, blasting-powder, gunpowder, dynamite, or any other explosive or highly inflammable or combustible material; or shall find any other condition whatsoever which is a menace to human life or endangers the safety of any such building, premises, or property; or shall find any obstruction on or about fire-escapes, stairs, passageways, doors, or windows which would be liable to interfere with the free ingress or egress, he or they shall order the same removed and conditions remedied within a reasonable time, to be specified in said order.

Whenever the State Fire Commissioner, his deputies, marshals, or assistants, shall find any building or buildings, or any part thereof, which, for any cause or reason, jeopardizes human life or constitutes a fire menace, and which cannot be removed by making repairs, the State Fire Commissioner, his deputies, or marshals, shall order said building or buildings, or any part thereof, to be demolished, specifying in said order the reason or reasons therefor, and also specifying a reasonable time within which said building or buildings or parts thereof, shall be demolished and removed.

All such orders shall be in writing, and shall be made and served upon the owner, life tenant, lessee, or occupant of such building, premises, or property, or upon the agent of the owner, life tenant, lessee, or occupant, in the manner following:

(a) By handing a true copy thereof to such owner, life tenant, lessee, occupant, or agent thereof; or

(b) By posting a copy thereof in a conspicuous place on the said building, premises, or property, and mailing a copy thereof to the said owner, life tenant, lessee, occupant, or agent thereof, to their last known address. In case no address is known or cannot be ascer-

tained, then, in lieu of such mailing a copy of said order, there shall, in addition to the above-mentioned posting thereof, be handed a copy of said order to an adult occupant or to a person, if any there be, in charge of said building, premises, or property, or to an adult member of the family.

Any owner, life tenant, lessee, occupant, or agent, upon whom any such order may be made or served by any of the deputies, marshals, or assistants, may, within five days from the service of said initial order, appeal to the State Fire Commissioner, by petition in writing, setting forth succinctly, under oath or affirmation, the facts and reasons upon which said appeal is based; whereupon the State Fire Commissioner shall review the facts upon which such order was made and the grounds or reason for such appeal, and make his final order, in writing, within ten (10) days from the date of receipt of appeal, by affirming, revoking, or modifying the original order. The final order in such case shall be served upon the owner, life tenant, lessee, occupant, or agent, in the same manner as the order hereinbefore provided. The entire record in any such case shall be filed in the office of the State Fire Commissioner, and shall be open to the inspection of the appellant or any person against whom the same may have been made.

If the said initial order is affirmed or modified the same shall be complied with by such owner, life tenant, lessee, occupant, or agent named herein, within the time therein specified.

Any owner, life tenant, lessee, occupant, or agent, aggrieved by any initial or final order of the State Fire Commissioner, may appeal therefrom to the court of common pleas of the county in which the real or personal property in question is situate, within five days after the service of any such order of the State Fire Commissioner. Such owner, life tenant, lessee, occupant, or agent shall, as a condition precedent to such right of appeal, give notice in writing to the State Fire Commissioner of his intention to take such appeal. Such notice of intention to appeal shall be given by mailing the same by registered mail to the office of the State Fire Commissioner in the city of Harrisburg.

The appeal to the court shall be by petition, under oath or affirmation, setting forth succinctly the reasons for said appeal, and there shall be filed with said appeal proof of service upon the State Fire Commissioner, in the manner aforesaid, of the said notice of intention to take such appeal. A certified copy of such petition shall be mailed by registered mail to the State Fire Commissioner at his office in the city of Harrisburg, on the same day upon which the said petition is presented and filed in court.

Upon the presentation of such petition, the court shall summarily hear and determine the reasonableness and lawfulness of the final order of the State Fire Commissioner. The appellant shall give immediate notice of the day fixed for hearing, in writing, by registered mail to the State Fire Commissioner at his office in the city of Harrisburg. The date of hearing as fixed by the court shall not be earlier than five days nor later than twenty days after the presentation of such petition. Upon the presentation of such petition, the court may suspend the order of the State Fire Commissioner, pending the final hearing and order of the court, upon the appellant filing a bond, with surety approved by the court, in an amount not less than

one hundred dollars (\$100), conditioned as the court may deem proper, including, however, the condition that the appellant shall pay all the costs of such appeal in the event that the appeal is dismissed.

The appellant at the time of the presentation of the petition shall have the right to demand, by writing presented and filed with his appeal, a trial by jury. If the order of the State Fire Commissioner appealed from shall be of such a character that its enforcement would affect any rights of the petitioner, concerning the determination of which a trial by jury is secured by the Constitution of the Commonwealth, the court shall direct an issue to be framed to determine such matters, and shall advance such case to the head of the next trial list of said court. Pending any trial by jury and the final judgment thereon, the court may enter an order suspending the order of the State Fire Commissioner, in the manner hereinbefore provided in cases where no trial by jury is demanded.

The judgment of the court of common pleas upon appeal, affirming, modifying, or revoking the order of the State Fire Commissioner appealed from, shall be final. If the judgment is against the appellant or if the appeal is dismissed, judgment for costs shall be entered against the appellant.

Any owner, life tenant, lessee, or occupant, upon whom, or upon whose agent, any initial or final order of the State Fire Commissioner, or any order of the deputies or assistants aforesaid, shall have been served as aforesaid, who shall neglect, fail, or refuse to comply with the terms of such order, within thirty days after the service thereof, or, in the event of an appeal as hereinbefore provided, then within thirty days after the final order of the State Fire Commissioner or the final judgment of the court, as the case may be, shall be guilty of a misdemeanor, and, upon conviction, shall be sentenced to pay a fine of not less than ten dollars nor more than fifty dollars for each day's neglect, or be imprisoned in the county jail for a period not exceeding thirty days, or both, at the discretion of the court.

In case any initial or final order shall direct the repair or removal of any building, or part thereof, and the owner shall fail, neglect, or refuse to comply with such order, then the State Fire Commissioner may cause such building to be repaired, or demolished and the materials removed, as the case may be, at the expense of the owner or owners. The initial expense of such repairs or removal shall be paid by the State Fire Commissioner, out of funds appropriated for such purposes. If the owner or owners shall thereafter fail, neglect, or refuse to pay the costs and expense thus incurred into the State Treasury, within ten days from the receipt of notice of the amount thereof, the State Fire Commissioner shall, within sixty days from the date at which such notice is sent, certify said costs and expenses, together with twenty-five per centum penalty thereon, to the prothonotary of the county in which said real estate is situate, for entry as a lien against the property in question. Such lien shall have priority to, and be fully paid and satisfied out of, the proceeds of any judicial sale of said property, before any other obligation, judgment, claim, lien, or estate with which said property may become charged or for which it may become liable, save only liens for taxes and municipal improvements and the costs of the sale and of the writ upon which it is made. Said lien shall be revived and collected as municipal

liens are now by law revived and collected, and when the amount of said lien, penalty, and costs has been paid to or collected by the State Fire Commissioner, he shall cause such lien to be satisfied of record and pay the proceeds into the State Treasury: Provided, however, That no bona fide judgment, claim, or lien of record against such property, prior to the date of approval of this act, shall be affected by any lien filed pursuant to the provisions hereof.

Section 6. That the sixth section of said act, which now reads as follows:—

“Section 6. The State Fire Marshal or his deputies, in addition to the investigation made by any of the assistants, may at any time investigate the origin or circumstances of any fire occurring in this Commonwealth. The State Fire Marshal, his deputies and assistants, shall have the power to summon witnesses, and compel them to attend before them, or either of them, and to testify in relation to any matter which is by the provisions of this act a subject of inquiry and investigation; and may require the production of any books, papers, or documents deemed pertinent or necessary to the inquiry; and shall have the power to administer oaths and affirmations to any person appearing as a witness before them; such examination may be public or private, as the officers conducting the investigation may determine.

“No person shall be excused from attending before the said Fire Marshal, or any of his deputies or assistants, when summoned so to attend; nor, when ordered so to do, shall he be excused from testifying, or producing any books, papers, or documents before such officer, upon any investigation, proceeding, or inquiry instituted under the provisions of this act; upon the ground or for the reason that the testimony or the evidence, documentary or otherwise, required of him, may tend to convict him of a crime or subject him to a penalty or forfeiture; but no person shall be prosecuted, or subjected to a penalty or forfeiture, for or on account of any transaction, matter, or thing concerning which he may have been required so to testify or produce evidence, documentary or otherwise; and no testimony, so given or produced, shall be received against him upon any criminal investigation or proceeding. If after any such examination the State Fire Marshal, or any of his deputies or assistants, is of the opinion that the facts in relation to such fire indicate that a crime has been committed, he shall present the testimony taken on such examination, together with any other data in his possession, to the district attorney of the proper county, with the request that he institute such criminal proceedings as such testimony or data may warrant.

“The State Fire Marshal, or his deputies or his assistants, may, at all reasonable hours, enter any building or premises within his or their jurisdiction, for the purpose of making an inspection, which, under the provision of this act, he or they may deem necessary to be made,” is hereby amended to read as follows:—

Section 6. The State Fire Commissioner, his deputies or marshals, in addition to any investigation made by any of the assistants, may at any time investigate the origin or circumstances of any fire occurring in this Commonwealth. The State Fire Commissioner, his deputies or marshals, shall have the power to summon witnesses, and compel their attendance, and to secure their testimony in relation to any matter which is, by the provisions of this act, a subject of in-

quiry and investigation; and may require the production of any books, papers, or documents deemed pertinent or necessary to the inquiry; and shall have the power to administer oaths and affirmations to any person appearing as a witness before them. Such examination may be public or private, as the State Fire Commissioner, his deputies or marshals, conducting the investigation may determine. Persons other than those required to be present may be excluded from the place where such examination is held, and witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined, and false swearing in any matter aforesaid shall be perjury and prosecuted as such.

No person shall be excused, from attending before the said State Fire Commissioner, or any of his deputies or marshals, when summoned so to attend, nor, when ordered so to do, shall be excused from testifying, or producing any books, papers, or documents before such officer, upon any investigation, proceeding, or inquiry instituted under the provisions of this act, upon the ground or for the reason that the testimony or the evidence, documentary or otherwise, required of him, may tend to convict him of a crime or subject him to a penalty or forfeiture; but no person shall be prosecuted, or subjected to a penalty or forfeiture, for or on account of any evidence which shall be given or produced by him under such requirements; and no testimony so given or produced shall be received against him upon any criminal investigation or proceeding.

If after any examination the State Fire Commissioner, or any of his deputies or marshals, shall be of the opinion that the facts in relation to such fire indicate that the same has been of incendiary origin, the State Fire Commissioner, or any of his deputies or marshals, shall be, and are hereby, authorized and empowered to arrest, with or without warrant, any person whose guilt of arson may be indicated by the evidence, and shall be proceeded against as provided by law.

Each witness appearing at any such investigation, in compliance with a notice to attend, shall receive from the Commonwealth, through the said State Fire Commissioner, such fees and mileage as are now allowed by law to witnesses in courts of record of this Commonwealth.

Any constable or officer, with police power, who shall refuse or neglect to execute any warrant or subpoena issued by the State Fire Commissioner or any of his deputies or marshals, or any person who shall wilfully hinder or obstruct the State Fire Commissioner, his deputies, marshals or assistants, in the performance of their duties, shall be guilty of a misdemeanor, and, upon the conviction, shall be sentenced to pay a fine not exceeding one hundred (\$100) dollars, or suffer imprisonment in the county jail for a term not exceeding one year, or both, at the discretion of the court.

The State Fire Commissioner may employ, from time to time, one or more competent detectives, when in his opinion it becomes necessary so to do. Such detectives shall receive such compensation as may be fixed by the State Fire Commissioner, to be paid out of the funds appropriated to the State Fire Commissioner for such purpose.

The State Fire Commissioner, his deputies, marshals, or such assistants as may be authorized by the State Fire Commissioner, in making inspections within their jurisdiction may at all reasonable hours enter any building or premises for the purpose of making such inspection. Any owner, life tenant, lessee, or occupant of said premises, or any agent or representative of any person in possession thereof, who shall refuse permission for such inspection, or shall prevent or attempt to prevent entry for such purpose, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not less than ten (10) dollars nor more than fifty (50) dollars, or undergo an imprisonment not exceeding thirty days, or both, at the discretion of the court.

Section 7. That the seventh section of this act, which now reads as follows:—

“Section 7. Any witness who refuses to obey a summons of the State Fire Marshal, his deputies or assistants; or refuses to be sworn or to testify, or who disobeys any lawful order of the State Fire Marshal, his deputies or assistants, in relation to any investigation instituted by him or them; or who fails or refuses to produce any books, papers, or documents touching any matter under investigation or examination; or who is guilty of any attempt, after being summoned to appear before him or either of them to give testimony in relation to any matter or subject under examination or investigation as aforesaid, may be punished as for contempt of court. For this purpose, application may be made to any court within whose jurisdiction the contempt in question took place, and for which purpose the courts of common pleas of this Commonwealth are hereby given jurisdiction,” is hereby amended to read as follows:—

Section 7. Any person who shall refuse to obey a summons or notice of the State Fire Commissioner or his deputies or marshals to appear and testify, or who, when duly notified, shall refuse to be sworn, or to testify in relation to any investigation instituted by him or them; or who shall fail or refuse to produce any books, papers, or documents touching any matter under investigation or examination, shall be guilty of a misdemeanor, and, upon conviction, shall be sentenced to pay a fine of not less than fifty (50) dollars nor more than two hundred (200) dollars, or to undergo an imprisonment in the county jail not exceeding three months, or both, at the discretion of the court.

Section 8. That the eighth section of said act, which now reads as follows:—

“Section 8. The State Fire Marshal shall keep in his office all records which may be sent him in accordance with law relative to the physical condition of buildings, whether the laws and ordinances have been complied with so far as the same relate to fire protection, records of application for fire insurance upon any buildings, or other information relating thereto which may be sent him in compliance with law; and shall also keep a record of all fires occurring in this State, and of all the facts concerning the same, including statistics as to the extent of such fires and the damages caused thereby, and whether such losses were covered by insurance, and, if so, in what amount. Such records shall be made daily, from the reports made to him by his assistants, under the provisions of this act. All such rec-

ords shall be public, except that any testimony, taken in investigations under the provisions of this act, may be withheld from the public, in the discretion of the State Fire Marshal.

"It shall be the duty of the State Fire Marshal to prepare blank forms for the furnishing of information, by owners or occupants of buildings, throughout the Commonwealth, of the condition of such buildings with regard to fire protection. The said blanks shall contain notice to such property owners or occupants of proper rules and regulations to minimize the danger of fire and to suppress fire waste; and shall contain certain questions requesting information of a definite character, to show the condition of the buildings as aforesaid. These blank forms shall be furnished by the Fire Marshal to officers whose duty it is to receipt for taxes on real property, in every part of the Commonwealth, to be given by them to property owners, together with their tax bills (two forms for each property); with the requirements that one, properly filled out, be forwarded to the State Fire Marshal at once, for filing among the records of his office, and that the other be so forwarded six months thereafter," is hereby amended to read as follows:—

Section 8. The State Fire Commissioner shall keep and preserve in his office a record of all fires occurring in this Commonwealth, and of all the facts concerning the same which seem pertinent and important, including, however, in all cases, statistics showing the extent of such fires and the damage caused thereby, and whether such losses were covered by insurance, and, if so, in what amount. Such records shall be made daily, from the reports made to him by his deputies, marshals, and assistants. All such records shall be public, except that any testimony taken in investigations conducted by the State Fire Commissioner, or his deputies, marshals or assistants, may, at the discretion of the State Fire Commissioner, be withheld from the public.

Section 9. That the tenth section of said act, which now reads as follows:—

"Section 10. It shall be the duty of the Fire Marshal to prepare, in consultation with the Superintendent of Public Instruction, books of instruction, for use in the public and private schools of students of all grades, with regard to the dangers of fire and the prevention of fire waste. It shall be the duty of the Superintendent of Public Instruction, and of the principals or other persons in charge of the various schools in this Commonwealth, to provide for the instruction and training of pupils of such schools by means of drills, so that they may, in sudden emergencies, be able to leave the school buildings in the shortest possible time without confusion or panic. Such drills shall be held at least once a month when the schools are in session. Books of instruction with regard to the dangers of fire and the prevention of fire waste, as above specified, shall be published at the expense of the State, under the direction of the Superintendent of Public Instruction, and shall be distributed in sufficient quantities for the use of the schools as herein provided; and the curriculum of such schools shall include some regular and continuous study of such subjects during the entire school year," is hereby amended to read as follows:—

Section 10. It shall be the duty of the State Fire Commissioner to prepare, in consultation with the Superintendent of Public Instruction, books of instruction, for use in the public and private schools of students of all grades with regard to the dangers of fire and the prevention of fire waste. It shall be the duty of the Superintendent of Public Instruction, and of the principals or other persons in charge of the various schools in this Commonwealth, to provide for the instruction and training of pupils of such schools by means of drills, so that they may, in sudden emergencies, be able to leave the school buildings in the shortest possible time without confusion or panic. Such drills shall be held at least once a month when the schools are in session. Books of instruction with regard to the dangers of fire and the prevention of fire waste, as above specified, shall be published at the expense of the State, under the direction of the Superintendent of Public Instruction, and shall be distributed in sufficient quantities for the use of the schools as herein provided; and the curriculum of such schools shall include some regular and continuous study of such subjects during the entire school year. The State Fire Commissioner, his deputies, marshals or assistants, may, at any time, visit the schools in their respective district and ascertain whether fire-drills and instructions on fire prevention are being carried out. If they find the same are being neglected, they shall notify the district or county superintendent of such neglect, and immediately report their action in writing to the State Fire Commissioner. The State Fire Commissioner, his deputies or marshals, may, at any time, require fire-drills to be held in any building they may be inspecting, and shall note whether such drills are conducted in a proper manner, and they shall note the time expiring between the sounding of the alarm and the exit from the building, and make a report of the same to the State Fire Commissioner.

Section 10. That the eleventh section of said act, which now reads as follows:—

“Section 11. The State Fire Marshal shall make an annual report to the Governor of the Commonwealth, on or before the first day of February of each year, setting forth a full report of the work of his office during the preceding calendar year, including such statistics as he may desire to include therein. He shall also recommend in his report such legislation, if any, as in his judgment may be desirable to further carry out the purpose of this law for the prevention of fire waste; such recommendation shall include a draft of an act providing for the adoption of a standard municipal building code, and a draft of an act providing for a standard fire insurance policy, for the Commonwealth of Pennsylvania, which drafts shall be reported on or before January first, one thousand nine hundred and thirteen,” is hereby amended to read as follows:—

Section 11. The State Fire Commissioner shall make an annual report to the Governor of the Commonwealth, on or before the first day of September of each year, setting forth a full report of the work of his office during the preceding year, including such statistics as he may desire to include therein. He shall also recommend in his report such additional or other legislation, if any, as in his judgment may be desirable to more effectually accomplish the purpose of this act.

Section 11. That the twelfth section of said act, which now reads as follows:—

“Section 12. The assistants of the State Fire Marshal not receiving a salary for the performance of public duties, shall receive, upon the audit of the State Fire Marshal, fifty cents for each report of each separate fire reported to the State Fire Marshal under this act; and, in addition thereto, shall be paid the sum of fifteen cents for each mile traveled to the place of fire; and, in the discretion of the State Fire Marshal, where an investigation has been made, a sum not to exceed three (3) dollars for each day's service spent in such investigation,” is hereby amended to read as follows:—

Section 12. The Assistant State Fire Marshal shall receive quarterly, upon the audit and certificate of the State Fire Commissioner, for each report of each separate fire made under the provisions of this act, the following fees:

In all cities, boroughs, towns, or townships, fifty cents (50c) for each fire reported.

In addition to said fees, each assistant located in a township shall receive the sum of fifteen (15) cents for each mile actually traveled to and from the place of the fire reported. At the discretion of the State Fire Commissioner, where an inspection or an investigation has been ordered, the assistant shall receive a sum not to exceed three dollars (\$3.00) for each day during which he was necessarily employed in said investigation, eight hours constituting a day: In no case shall a report of a fire inspection or investigation be paid for unless the same shall be made out fully, in the manner and form prescribed by the State Fire Commissioner, under the provisions of this act.

Section 13. The printing and binding deemed necessary by the State Fire Commissioner, in the proper performance of the duties herein imposed, shall be done by the State Printer, upon order of the Superintendent of Public Printing and Binding, upon requisition of the State Fire Commissioner.

Section 14. Excepting as is herein otherwise specifically provided, every person who violates any of the provisions of this act or any rules or regulations of the State Fire Commissioner, or who resists or interferes with any officer or agent of the Department of Fire Prevention in the performance of his duty in accordance with the said rules or regulations, shall be guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not more than one hundred dollars (\$100), or by imprisonment not exceeding thirty (30) days, or both, at the discretion of the court.

Section 15. That the fifteenth section of this act, which now reads as follows:—

“Section 15. All acts or parts of acts inconsistent herewith are hereby repealed,” is hereby amended to read as follows:—

Section 15. All acts or parts of acts, general, local or special, inconsistent herewith, are hereby repealed.

Section 16. The provisions of this act and the act to which this act is an amendment shall not be operative in cities having a population of five hundred thousand and over.

Nor shall any provisions of this act be applicable to or in any manner affect the manufacturing, using, or sale of explosives; nor

shall any such provisions be applicable to or in any manner affect the storage of explosives at any explosive manufacturing plant, or at any munition plant, nor to any explosives at any storage or distributing magazine owned or maintained by any manufacturer of explosives or munitions, excepting that the State Fire Commissioner, his deputies or marshals, shall have full power to investigate fires occurring in such plants.

Section 17. The State Fire Marshal now in office shall become the State Fire Commissioner provided for by this act, and shall possess all the powers and be subject to all the duties and responsibilities imposed by this act and all other acts of Assembly in any manner relating to the State Fire Marshal, until such time as he shall resign, be reappointed, or removed or his successor be appointed and has qualified.

Section 18. That the fourteenth section of said act be, and the same is hereby, repealed.

Section 19. It is hereby declared that this act and the act to which this is an amendment is necessary for the public safety, health, peace, and welfare, is remedial in nature, and shall be construed liberally. If any section or portion thereof of this act is declared unconstitutional, such decision shall not affect the remaining provisions of this act.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 16, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate bill No. 315, entitled "An act amending sections one, two, three, four, five, six, seven, eight, ten, eleven, twelve, and fifteen of an act, repealing section fourteen of said act, and supplementing said act, approved the third day of June, one thousand nine hundred and eleven (Pamphlet Laws, six hundred and fifty-eight), entitled 'An act establishing the office of State Fire Marshal; defining his powers and duties; providing for his compensation, and the maintenance of his office; giving courts the power to punish witnesses for contempt of his authority, and to review his orders; and making it the duty of officers of public instruction and persons in charge of public or private schools to instruct children as to the dangers of fire and the prevention of fire waste;' changing the office of State Fire Marshal to the Department of Fire Prevention; providing for the appointment of a State Fire Commissioner, and other officers and employes under the Department of Fire Prevention; and fixing their salaries, fees, powers, and duties; authorizing the adoption and enforcement of rules and regulations concerning explosives, inflammable and combustible products and substances; authorizing the investigation of fires, and the making of certain reports in connection therewith; and conferring on the State Fire Commissioner and officers under him the power of police officers and constables, with the power to make arrests with or without warrants, and to issue subpoenas requiring attendance at hearings for the investigation of fires; providing a procedure for the inspection of buildings, and the destruction, removal, and repair of dangerous buildings, premises, and property, and the collection of the cost thereof in certain cases

from the owner by liens, and giving such liens priority; requiring constables and police officers to serve certain warrants and subpoenas; and providing penalties for the violation of the several provisions of this act."

This bill is a laudable attempt to put the Fire Marshal's Department upon a more comprehensive basis. But the cost of the new department, herein created, is in excess of the revenues provided by the Assembly for the purposes contained in the bill. The cost of the proposed new department is \$253,700, whereas the total appropriated cost of the present department is \$156,200. Thus the increase is \$97,500, and it is regrettably true that the available funds prevent this increase. Whatever protection the public can have from fire must remain with the department as now organized, and any lack of efficient and comprehensive service must be charged, not to an Executive who must observe the limits of revenue available, but to a Legislature that increased expenses and made no provision to meet the same.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 127.

AN ACT

To amend an act, entitled "An act to amend an act entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved the twenty-ninth day of April, Anno Domini one thousand eight hundred and seventy-four, providing for the incorporation and regulation of electric-light, heat, and power companies," approved the eighth day of May, Anno Domini one thousand eight hundred and eighty-nine; by giving to electric-light, heat, and power companies the right of eminent domain.

Section 1. Be it enacted, &c., That section two of the said act, entitled "An act to amend an act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved the twenty-ninth day of April, Anno Domini one thousand eight hundred and seventy-four, providing for the incorporation and regulation of electric-light, heat, and power companies," approved the eighth day of May, Anno Domini one thousand eight hundred and eighty-nine, which reads as follows:—

"Section 2. Companies incorporated under the provisions of this act for the supply of light, heat, and power, or any of them, to the public, by electricity, shall, from the date of the letters patent creating the same, have the powers and be governed, managed, and controlled as follows:

"Clause 1. Every such corporation shall have the authority to supply light, heat, and power, or any of them, by electricity, to the public in the borough, town, city, or district where it may be located, and to such persons, partnerships, and corporations residing therein or adjacent thereto as may desire the same, at such prices as may be agreed upon, and the power also to make, erect, and maintain the necessary buildings, machinery, and apparatus for supplying such

light, heat, and power, or any of them, and to distribute the same, with the right to enter upon any public street, lane, alley, or highway for such purpose, to alter, inspect, and repair its system of distribution: Provided, That no company which may be incorporated under the provisions of this act shall enter upon any street in any city or borough of this Commonwealth until after the consent to such entry, of the councils of the city or borough in which such street may be located, shall have been obtained," be, and the same is hereby, amended so as to read as follows:—

Section 2. Companies incorporated under the provisions of this act for the supply of light, heat, and power, or any of them, to the public, by electricity, shall, from the date of the letters patent creating the same, have the powers and be governed, managed, and controlled as follows:—

Clause 1. Every such corporation shall have the authority to supply light, heat, and power, or either of them, by electricity, to the public in the borough, township, city, or district where it may be chartered to do business, to such persons, partnerships, and corporations residing therein or adjacent thereto as may desire the same, at such prices as may be agreed upon; and the power also to make, erect, and maintain the necessary buildings, machinery, and apparatus for supplying such light, heat, and power, or either of them, and to distribute the same; and shall have the right to enter upon any public street, lane, alley, or highway for such purpose, and to alter, inspect, and repair its system of distribution; and shall have the power of eminent domain to appropriate property within such borough, township, city, or district, so far as may be necessary to enable it to acquire that which is necessary for its lines of distribution; and all damages done by the exercise of the power of eminent domain granted herein shall be ascertained, recovered, and paid as provided by the forty-first section of the act of April twenty-ninth, one thousand eight hundred and seventy-four: Provided, That no company heretofore or hereafter incorporated under the provisions of this act, or of the act to which this is amendatory, shall enter upon any public street, lane, alley, or highway in any city, borough, or township of the first class, for any such purpose, until after the consent to such entry shall be first had and obtained, by ordinance, of the councils of the city or borough, or commissioners of the township of the first class, in which such public street, lane, alley, or highway may be located: And provided further, That such right of eminent domain shall not be exercised by any such company, except upon any public street, lane, alley, or highway, until said company shall have applied for and secured from the Public Service Commission of the Commonwealth of Pennsylvania certificate of public convenience evidencing the commission's approval of the exercise of such right of eminent domain. Said certificate shall be issued by said Public Service Commission only when said Public Service Commission, after public hearing, shall find and determine that the service to be furnished by such company, for which the property to be condemned is required, is necessary or proper for the service, accommodation, convenience, or safety of the public.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 16, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate bill No. 589, entitled "An act to amend an act, entitled 'An act to amend an act, entitled 'An act to provide for the incorporation and regulation of certain corporations,' approved the twenty-ninth day of April, Anno Domini one thousand eight hundred and seventy-four; providing for the incorporation and regulation of electric-light, heat, and power companies,' approved the eighth day of May, Anno Domini one thousand eight hundred and eighty-nine; by giving to electric-light, heat, and power companies the right of eminent domain."

This bill confers the right of eminent domain upon one class of corporations furnishing electric-light, heat, and power to communities.

The first objection arises from the fact that the people owning property are denied rights that by this bill are freely bestowed upon defined corporations. For example, a corporation engaged in the manufacture of electric-light, heat, or power could enter upon private property and erect poles, towers, and booster stations ad libitum. Steel towers one hundred feet high, with a base of 20 or more feet square, could be set up near a man's home and he would be helpless to object. Beautiful scenery, fine farms, expensive residences would alike be marked and injured far beyond any compensatory damages.

The second objection is even more pertinent. There are two kinds of corporations authorized by law to distribute electricity in Pennsylvania,—those using water-power to generate electricity and those using steam-power. This is an amendment to the steam-power act, and would give these corporations the right of eminent domain, and would deny it to water-power corporations. Why this discrimination? Why attempt to give one group, who use steam-power, a right denied to another group, who use water-power? Herein lies the vicious quality of this legislation. The facts were plainly and convincingly given to the proponents of this measure in ample time to make, by amendment, at least a reasonable attempt to be impartial. The information was not heeded.

Any one conversant with the trend of modern transmission agencies knows that we must increasingly depend upon water-power to produce electric-power. We also know that water-power corporations require, in the very nature of the case, greater systems of transmission than do steam-power corporations. The former must set its machinery at the source of power. The latter can move its machinery next door to the consumer. All of which is evidence of the inequity of this bill.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 128.

AN ACT

To validate certain sales and leases of real estate, situate in this Commonwealth, heretofore made by corporations incorporated in this Commonwealth for the carrying on of any mechanical, mining, quarrying, manufacturing, or other business.

Section 1. Be it enacted, &c., That whenever, heretofore, any sale or lease of real estate, situate in this Commonwealth, has been made for a valuable consideration by a corporation incorporated under the laws of this Commonwealth for the carrying on of any mechanical, mining, quarrying, manufacturing, or other business, and such sale or lease has been made by the authority or ratification of the board of directors of such corporation, but without a consent of a majority of the stock in value consenting and agreeing to such sale or lease before making the same, or without such consent having been evidenced by the written signatures of the stockholders, or without such consent having been obtained at a meeting of the stockholders held for that purpose, or without thirty days' notice of such meeting having been given in one of the newspapers of the proper county,—such sale or lease of real estate shall be as valid and effectual as though such sale or lease had been made with the consent of a majority of the stock in value consenting and agreeing to such sale or lease before making the same, and as though such consent had been obtained at a meeting of the stockholders held for that purpose, of which meeting thirty days' notice had been given in one of the newspapers of the proper county, and as though such consent had been evidenced by the written signatures of said stockholders: Provided, That this act shall not be construed so as to affect any suit or suits now pending.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 16, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate bill No. 1007, entitled "An act validating certain sales and leases of real estate, situate in this Commonwealth, heretofore made by corporations incorporated in this Commonwealth for the carrying on of any mechanical, mining, quarrying, manufacturing, or other business."

This bill purports to validate sales and leases of real estate made by corporations concerned in mechanical, mining, quarrying, manufacturing, and other business, where sales were made without authority of the stockholders.

"Other business" is an omnibus phrase, and extends this validating act far beyond its seeming purpose and far beyond the range of Executive concurrence.

When such sales are made without authority of the stockholders, somebody intentionally or unintentionally blundered. If intentionally they did so, let those responsible pay the penalty of their act; if unintentionally, let them go to the stockholders and have the mistake corrected. In neither case should they come to the Assembly. Sure-

ly stockholders have some rights. They are fast disappearing by the innumerable procession of validating acts. Let the procession halt and let responsible directorates obey the law.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 129.

AN ACT

To authorize and require the improvement of streets, roads, and highways, in all cities of the Commonwealth, where owners of land abutting thereon desire to improve and build upon said land.

Section 1. Be it enacted, &c., That an owner, or owners, owning at least fifty per centum of the land abutting upon any legally opened street, road, or highway, upon the confirmed plan in any city, and lying and being between two other streets, roads, or highways upon the said confirmed plan, may give notice to the mayor of said city, on or before the first day of September in any year, of his or their intention to improve said land by the erection of dwellings or other buildings thereon, and file with the said mayor a bond, with good and sufficient sureties in form to be approved by the city solicitor of said city, conditioned to improve said ground with dwellings or other buildings, as set forth in said notice, within one year from the completion of said street improvements, otherwise to pay into the treasury of the said city the cost of all street improvements in said block, not collected by the said city from the abutting property owners, within one year after the completion of the same.

Section 2. Upon payment into the city treasury of the cost of all uncollected street improvements, as provided for in section one, the city shall assign the liens for said uncollected street improvements to, and to mark to the use of, the owner or owners, or their sureties, paying the said money into the city treasury.

Section 3. It shall be the duty of the mayor and councils of the said city, and they are hereby directed, upon receipt of said notice by the mayor, as aforesaid, on or before the first day of January next succeeding, to pass all necessary legislation and make the necessary appropriations for improving said street within the block, as aforesaid, including all grading, filling, sewers, water-pipe, sidewalk, and cartway, paving and curbing, together with the cost of connecting the sewer- and water-pipe with other city sewers or water-mains; provided said sewers or water-mains are within fifteen hundred (1,500) feet from either terminus of the block to be improved.

Section 4. It shall be the duty of the proper department of said city, within three months from the first day of January next succeeding the receipt of said notice by the mayor, to advertise for bids for improving said street, road, or highway, as aforesaid; and, within nine months from the said first day of January, to complete the improvement of said street, including all grading, filling, sewers, water-pipe, sidewalk, and cartway, paving, and curbing.

Section 5. The property owner or owners giving said notice and filing said bond may, immediately upon giving said notice and filing said bond, commence the erection of said dwellings or other buildings; and, upon failure of said city to pass necessary legislation and make the necessary appropriations for said grading, filling, sewers, water-pipe, sidewalk, and cartway, paving and curbing, and other necessary street improvements, or to complete the same within the time set forth in this act, the said property owner or owners shall have a right of action in assumpsit against said city for all loss or damage, direct or consequential, sustained by him or them by reason of the failure of said city to pass the necessary legislation or make the necessary appropriations for said street improvements, or to complete the same within the time above set forth.

Section 6. All acts or parts of acts inconsistent herewith are hereby repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 16, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate bill No. 1022, entitled "An act to authorize and require the improvement of streets, roads, and highways in all cities of the Commonwealth, where owners of land abutting thereon desire to improve and build upon said land."

The intent of the bill is set forth in the title. Section 1 is very obscure. It is intended to compel improvement of a city street when 50 per cent. of the owners of abutting land give notice of their intentions to improve the land by the erection of buildings. There seems to be an omission in lines 2 and 3 of page 2. The mayor and councils are compelled, upon receipt of notice, to make appropriations and improve the street. The inequity of this is manifest. In a city of many miles of streets, a few owners of abutting property on a given street can compel street improvements. This is distributed authority—an infringement upon the will of the whole people as expressed by law through their chosen representatives. It is localized referendum carried to the extreme. The final clause is a dangerous one. When the city fails to make the improvement, these petitioners have the right of action in assumpsit against the city for all damages. Litigation and expense loom large in this provision. Why should the will of a very few, a helpless minority, prevail against the many, the majority? The bill manifestly is designed to cover some special case not well defined, and is on the whole unwise legislation.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 130.

AN ACT

To amend section two hundred and six of an act, approved the eighteenth day of May, one thousand nine hundred and eleven, entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith;" providing for the appointment of school directors, by the court, for independent school districts at the time of the establishment of the same; and providing for the election of school directors thereafter.

Section 1. Be it enacted, &c., That section two hundred and six of an act, approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws, three hundred and nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," which reads as follows:—

"Section 206. Every independent school district, established as herein provided, shall have its affairs—except as to the election of school directors, who shall be appointed, as hereinafter provided—administered by a board of school directors, subject to all the provisions of this act relating to the class of school districts to which such independent district belongs. And the court establishing such independent school district shall, at the time of so doing, appoint a board of properly qualified residents of the district, of like number and for the same terms as is herein provided for such class of districts; and, in November of every odd year, such court shall appoint the proper number of directors for the full term of six years, whose terms shall begin on the first Monday of December following their appointment, and any vacancy in such board shall be filled by the court for the unexpired term," is hereby amended to read as follows:—

Section 206. Every independent school district, established as herein provided, shall have its affairs administered by a board of directors, subject to all the provisions of this act relating to the class of school districts to which such independent district belongs. And the court establishing such independent school district shall, at the time of so doing, appoint a board of school directors of five properly qualified residents of the district, who shall serve until the first Monday of December following the next municipal election for school directors, as provided for districts of the fourth class in section two hundred and five of said act. And at said municipal election a board of five directors shall be elected—one to serve for six years, two for four years, and two for two years. And thereafter directors shall be elected for independent districts as provided in said act of one thousand nine hundred and eleven for districts of the fourth class. However, in districts already established there shall be one director elected at the municipal election in the year one thousand nine hundred and seventeen, two at the municipal election of the year one thousand nine hundred and nineteen, and two at the municipal elec-

tion of the year one thousand nine hundred and twenty-one; and thereafter same as provided in said act of one thousand nine hundred and eleven for districts of the fourth class.

Section 2. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 16, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate bill No. 1099, entitled "An act to amend section two hundred and six of an act, approved the eighteenth day of May, one thousand nine hundred and eleven, entitled 'An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith;' providing for the appointment of school directors, by the court, for independent school districts at the time of the establishment of the same; and providing for the election of school directors thereafter."

This amendment to section 206 of the School Code (act of 1911, P. L. 309), provides that school directors in the independent school districts shall, at the next municipal election after their appointment by the court, be elected by the people. The section as now in the code was framed after a careful study of the complex situation arising in the erection of independent districts was made. It is doubtful whether such districts have any legal status, since the code defines only four classes of school districts. The real difficulty arises from the fact that independent school districts seldom coincide territorially with any municipal districts now by law entitled to elect officials. Thus it would be difficult if not impossible to hold such elections. There is no machinery by law for the registration of the electors of such an anomalous territory and no legal means of holding such election.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 131.

AN ACT

Authorizing cities, boroughs, towns, and townships to appoint, and, in certain instances, recognize, war-garden commissions; prescribing their powers and duties; and providing for an appropriation by the several cities, boroughs, towns, and townships, from public funds, to carry out the provisions of this act; and providing fines and penalties for trespass upon or destruction or spoiling of such gardens.

Section 1. Be it enacted, &c., That, during the period of the present war between the United States and Germany, the councils of cities, boroughs, and towns, and the boards of commissioners and super-

visors of townships, within this Commonwealth, may appoint one or more war-garden commissions, of such number of citizens as said authorities may designate. A majority of such appointed citizens of any one commission shall constitute a quorum, whose duty it shall be to obtain, by voluntary consent or by lease, such vacant ground in their several districts as may in their judgment be desirable for gardening purposes, and to allot the said ground to such persons as shall agree to plant and care for the same for their own use.

Section 2. The said councils of cities, boroughs, and towns, and the said boards of commissioners and supervisors of townships, by resolution, may recognize any properly qualified commission or committee appointed or elected by any civic organization of such district prior to or subsequent to the passage of this act as a war-garden commission, which, when so recognized, shall have the same powers and authorities as if originally appointed by said councils, or boards of commissioners or supervisors.

Section 3. The said councils of cities, boroughs, and towns, and the said boards of commissioners and supervisors of townships, may appropriate from the public fund, to the use of the said several commissions, a sum of money not exceeding an amount equal to one-tenth of a mill upon the assessed valuation of such city, borough, town, or township, as ascertained for taxation purposes. The money so appropriated shall be paid over, from time to time, to the several said commissions; and by such commissions expended in arousing interest in gardening operations, in obtaining proper gardens, and in assisting such persons, who are unable themselves so to do, in the preparation and cultivation of gardens and furnishing seeds and plants therefor.

Section 4. The said commissions may solicit and receive voluntary donations of money, seeds, plants, grounds, and implements for the purposes herein provided.

Section 5. The said commissioners shall hold office until the first day of January succeeding their appointment, when their successors shall be appointed; and shall render true and correct accounts, to the said councils and boards of commissioners and supervisors by whom appointed or recognized, of all moneys by them received and how expended, as well as reports of their operations.

Section 6. The said commissions may post printed notices upon all war-gardens, setting forth that such gardens are war-gardens under the provisions of this act. Any person trespassing upon or destroying or injuring such gardens, or stealing any of the produce thereof, which produce is hereby declared to be personal property, whether severed from the ground or not, shall, upon conviction thereof before any magistrate, alderman, burgess, or justice of the peace, be sentenced to pay a fine of not less than ten dollars nor more than one hundred dollars, and, in default of such payment, shall undergo an imprisonment in the county jail or municipal lockup for a period of not less than ten days nor more than one hundred days.

Section 7. This act shall be considered a war measure, and shall cease to be in force and effect upon restoration of the United States of America to a state of peace.

Section 8. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 16, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate bill No. 1182, entitled "An act authorizing cities, boroughs, towns, and townships to appoint, and, in certain instances, recognize, war-garden commissions; prescribing their powers and duties, and providing for an appropriation by the several cities, boroughs, towns, and townships, from public funds, to carry out the provisions of this act; and providing fines and penalties for trespass upon or destruction or spoiling of such gardens."

This bill creates garden commissioners for the period of the war, gives municipal authorities the power to appropriate 1-10 of a mill on assessed valuation to such commissioners, and provides penalties for those that trespass, or destroy or injure or steal the products thereof. Civic bodies are to select these war commissioners. The State Committee of Public Safety, with its local organizations throughout the State, is amply fitted to perform any service these commissions may undertake. There is no need of creating wheels within wheels. Duplication of effort and division of authority are alike bad.

Moreover, there has already been approved an act that fixes penalties for the same offenses enumerated herein. The bill is superfluous.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No: 132.

AN ACT

To amend an act, approved March sixteen, one thousand eight hundred and sixty, entitled "An act requiring supervisors of roads and overseers of the poor in this Commonwealth to give security."

Section 1. Be it enacted, &c., That the title of the act, approved March sixteenth, one thousand eight hundred sixty, which reads, "An act requiring supervisors of roads and overseers of the poor in this Commonwealth to give security," be amended so as to read as follows: An act requiring overseers of the poor in this Commonwealth to give security.

Section 2. That section one of said act, which reads as follows:—

"Section 1. Be it enacted, &c., That, from and after the passage of this act, it shall be the duty of the township auditors and borough councils to require the overseers of the poor and the supervisors of roads in each township and borough in this Commonwealth, except in the county of Schuylkill, before entering upon their duties, to give bond, with security, to be approved by the auditors or borough councils, in a sum not less than double the probable amount of the tax which may come into the hands of the said officers; which bonds shall be taken in the name of the township or borough, conditioned for the faithful performance of their respective duties as supervisors and

overseers of the poor, accounting for and paying over to the township treasurer, or to their successors in office, any balance that may remain in their hands at the settlement of their accounts by the aforesaid auditors or borough councils; and in case the said officers shall neglect or refuse to pay over said balance remaining in their hands, within thirty days after the settlement, it shall be the duty of the said auditors and borough councils holding the bonds, to proceed, by due course of law, to collect the same for the use of said township or borough: Provided, That each officer may give security individually, in double the amount of such sum as may, in the judgment of the auditors or borough councils, come unto his hands for the ensuing year; and in such case he shall not be accountable for the acts of his associate in office," be amended to read as follows:—

Section 1. Be it enacted, &c., That, from and after the passage of this act, it shall be the duty of the township auditors and borough councils to require the overseers of the poor in each township and borough in this Commonwealth, before entering upon their duties, to give bond, with security, to be approved by the auditors or borough councils, in a sum not less than double the probable amount of the tax which may come into the hands of the said officers; which bonds shall be taken in the name of the township or borough, conditioned for the faithful performance of their duties as overseers of the poor, accounting for and paying over to the township treasurer, or to their successors in office, any balance that may remain in their hands at the settlement of their accounts by the aforesaid auditors or borough councils; and, in case the said officers shall neglect or refuse to pay over said balance remaining in their hands, within thirty days after the settlement, it shall be the duty of the said auditors and borough councils, holding the bonds, to proceed by due course of law to collect the same for the use of said township or borough: Provided, That each officer may give security individually, in double the amount of such sum as may, in the judgment of the auditors or borough councils, come unto his hands for the ensuing year; and in such case he shall not be accountable for the acts of his associate in office.

Commonwealth of Pennsylvania;
Executive Chamber,
Harrisburg, July 16, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate bill No. 1642, entitled "An act to amend an act, approved March sixteen, one thousand eight hundred and sixty, entitled 'An act requiring supervisors of roads and overseers of the poor in this Commonwealth to give security.'"

This bill amends act of March 16, 1860, which act requires supervisors of roads and overseers of the poor to give security for any tax which may come into their hands, whether by taxation or otherwise. This bill relieves supervisors of roads from giving such security. Road funds come into the hands of supervisors of roads. Few, if any, taxes come into the hands of overseers of the poor. There is no reason why the former should be relieved and the latter required to give bond. Even if the court has recently held that supervisors of roads need not

give bond, there can be no objection to the law as it now stands. since where no funds come to hand no bond is required. But if funds should be held, security ought to be given.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 133.

AN ACT

Authorizing Rosario Fantino, of Philadelphia, to bring suit in the court of common pleas of Philadelphia County against the Commonwealth.

Section 1. Be it enacted, &c., That Rosario Fantino, of the city of Philadelphia, State of Pennsylvania, is authorized to bring suit in the court of common pleas of the county of Philadelphia, against the Commonwealth of Pennsylvania, for any sum or sums of money that may be legally or justly due him from the Commonwealth, on account of injuries received while in the service of the Commonwealth in and about the construction and erection of the new Western Penitentiary in Centre County.

This suit shall be subject to the same rules of practice, pleading, and evidence as in other cases between individuals; and the defenses open to the Commonwealth shall be such as would be available to an individual if sued upon like facts.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 17, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate bill No. 711, entitled "An act authorizing Rosario Fantino, of Philadelphia, to bring suit in the court of common pleas of Philadelphia County against the Commonwealth."

This bill provides that suit for injury in Centre County be instituted in Philadelphia. The usual place to try such cases, as by law provided, is in the courts of Dauphin County. The man was injured in Centre County Nov. 24, 1914, and was in Bellefonte as late as September 11, 1915. The man was warned to keep away from the place where he received his injury, and it is questionable whether he has any ground for action against the Commonwealth. Granted that he has, there yet remains the fact that it is unfair to compel the Commonwealth, at great expense, to convey all its witnesses to Philadelphia to defend the suit. A plaintiff ought not to be given the choice of county in which to enter suit.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 134.

AN ACT

To amend section one thousand four hundred and four of the act, approved the eighteenth day of May, one thousand nine hundred and eleven, entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by giving justices of the peace, aldermen, and magistrates jurisdiction in certain actions between school districts.

Section 1. Be it enacted, &c., That section one thousand four hundred and four of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws, three hundred nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," which reads as follows:—

"Section 1404. Where any pupil in any school district in this Commonwealth resides one and one-half miles, or more, by the public road, from the nearest public elementary school in the district, such pupil, unless proper free transportation be furnished to a suitable school in the district, on obtaining the consent of the board of school directors thereof, may attend any public elementary school in another school district more convenient of access, without the consent of the board of school directors of the district where such pupil resides, and the district where such pupil resides shall promptly pay, to the district where such pupil attends, the cost of his tuition, text-books, and school supplies only, which shall not exceed that of the tuition, text-books, and school supplies of other pupils pursuing similar courses or studies in the same schools. The board of school directors of any district in this Commonwealth may, on account of convenience of access, or other reasons, permit any pupils to attend the schools of another district, on such terms as the two boards of school directors may mutually agree upon.

The board of school directors in any school district in this Commonwealth may, out of the funds of the district, provide for the free transportation of any pupil to and from the public schools," is hereby amended to read as follows:—

Section 1404. Where any pupil in any school district in this Commonwealth resides one and one-half miles, or more, by the public road, from the nearest public elementary school in the district, such pupil, unless proper free transportation be furnished to a suitable school in the district, on obtaining the consent of the board of school directors thereof, may attend any public elementary school in another school district more convenient of access, without the consent of the board of school directors of the district where such pupil resides; and the district where such pupil resides shall promptly pay, to the district where such pupil attends, the cost of his tuition, text-books, and school supplies only, which shall not exceed that of the tuition,

text-books, and school supplies of other pupils pursuing similar courses or studies in the same schools: Provided, That upon the refusal of the school district where the pupil resides to promptly pay to the school district where the pupil attends, that action may be brought before any justice of the peace, alderman, or magistrate for the recovery of the said sum, subject to the right of appeal by either party, as now allowed by law. The board of school directors of any district in this Commonwealth may, on account of convenience of access, or other reasons, permit any pupils to attend the schools of another district, on such terms as the two boards of school directors may mutually agree upon.

The board of school directors in any school district in this Commonwealth may, out of the funds of the district, provide for the free transportation of any pupil to and from the public schools.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 17, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate bill No. 915, entitled "An act to amend section one thousand four hundred and four of the act, approved the eighteenth day of May, one thousand nine hundred and eleven, entitled 'An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith,' by giving justices of the peace, aldermen, and magistrates jurisdiction in certain actions between school districts."

This is an amendment to section 1404 of the School Code of 1911 (P. L. 309). It relates to the matter of suing a school district by another school district for the cost of tuition, books, and supplies furnished by the latter to pupils living in the former district and over one and one-half miles from a public school in such district. This bill empowers the school board to whom the debt is owed to sue for it before any justice of the peace, alderman, or magistrate. The School Code, carefully drawn, provides for exactly the same thing if the cost exceeds \$100, and when the cost of such unpaid tuition, etc., is in excess of \$300, suit must be brought in the court of common pleas. The effect of the bill is to deny school districts the right to sue in the courts. The code allows suit before justices or courts. It gives no right which is not now possessed, and may limit the rights school districts now possess.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 135.

AN ACT

Validating certain elections of counties, cities, boroughs, townships, school districts, and other incorporated districts, held pursuant to the provisions of an act, approved the twentieth day of April, Anno Domini one thousand eight hundred and seventy-four, entitled "An act to regulate the manner of increasing the indebtedness of municipalities, to provide for the redemption of the same, and to impose penalties for the illegal increase thereof," and the amendments thereto; and validating bonds issued, or authorized to be issued, in pursuance of such elections.

Section 1. Be it enacted, &c., That all elections heretofore held by any county, city, borough, township, school district, or other municipality or incorporated district within this Commonwealth, to increase its indebtedness under the provisions of an act, entitled "An act to regulate the manner of increasing the indebtedness of municipalities, to provide for the redemption of the same, and to impose penalties for the illegal increase thereof," approved the twentieth day of April, one thousand eight hundred and seventy-four, and under the acts amendatory thereof, where the majority of votes cast at such election was in favor of the increase of indebtedness, be, and the same are hereby, ratified, confirmed, and made valid, notwithstanding the authorities of such county, city, borough, township, school district, or incorporated district did not, by separate and independent action prior to the ordinance or vote in pursuance of which notice of the election was given to the electors, signify their desire for such increase of indebtedness; or did not, in the words of the act and supplements aforesaid authorizing such increase, signify their desire for such increase of indebtedness; or where the ballots were not certified or signed by the county commissioners, or were not printed on the official ballot after the list of candidates, but were printed on separate ballots; or where full, complete, and proper return of the votes was not made to the proper court, or counted by the court; and notwithstanding any defect or informality in the manner of giving notice of such election; and notwithstanding any mistake in stating the amount or percentage of the existing debt, or the percentage of the proposed increase. All bonds issued or to be issued in pursuance of every such election are hereby made valid, binding obligations of every such county, city, borough, township, school district, or incorporated district: Provided, All the other requirements of the law concerning such election and issue of bonds have been complied with: And provided further, The provisions of this act shall not apply in any instance where the validity of such election has been already made the subject of litigation in any court of this Commonwealth.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 17, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate bill No. 905, entitled "An act validating certain elections of counties, cities, boroughs, townships, school districts, and other incorporated districts, held pursuant to the provisions of an act approved the twentieth day of April, Anno Domini one thousand eight hundred and seventy-four, entitled 'An act to reg-

ulate the manner of increasing the indebtedness of municipalities, to provide for the redemption of the same, and to impose penalties for the illegal increase thereof,' and the amendments thereto; and validating bonds issued or authorized to be issued in pursuance of such elections."

In my veto of Senate bill No. 157, I have set forth my reasons for not approving this and like bills. The statements there made are intended to apply hereto.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 136.

AN ACT

To amend an act, approved the twenty-fifth day of August, one thousand eight hundred sixty-four, entitled "An act to regulate elections by soldiers in actual military service."

Section 1. Be it enacted, &c., That section eight of an act, approved the twenty-fifth day of August, one thousand eight hundred sixty-four (Pamphlet Laws, nine hundred and ninety), entitled "An act to regulate elections by soldiers in actual military service," which reads as follows:—

"Section 8. Each ticket shall have written, or printed, or partly written and partly printed thereon, the names of all the officers which may properly be voted for, at said election, for which the said elector desires to vote," is hereby amended to read as follows:—

Section 8. The commanding officer of each company, battery, and troop unit shall, whenever any soldiers are in service at rendezvous, secure and transmit to The Adjutant General of the Commonwealth the names of all soldiers in his command, showing their residences and voting precincts. This list shall also show the company, battery or troop, and the regiment to which each soldier is attached. The Adjutant General shall, in turn, transmit to the county commissioners of the several counties a list showing the soldiers in service from their respective counties, and giving the residences and voting precincts of each soldier, together with the companies, batteries or troops, and regiments to which such soldiers are attached. The county commissioners shall prepare proper ballots, in the manner now provided by law, for each district within their respective counties in which soldiers reside.

The ballots for each separate district within such county in which soldiers reside shall be sealed in an envelope, on the outside of which shall be indorsed the district to which such ballot is applicable, and the company, battery or troop, and regiment for which the same was prepared. The ballots so prepared and sealed shall be transmitted by the county commissioners of the respective counties to the Secretary of the Commonwealth in ample time so that the same may be forwarded to the respective regimental commanders. Each ballot shall have printed thereon the names of all the officers which may properly be voted for, at said election, for which the said elector desires to vote.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 17, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate bill No. 769, entitled "An act to amend an act, approved the twenty-fifth day of August, one thousand eight hundred sixty-four, entitled 'An act to regulate elections by soldiers in actual military service.'"

This bill is designed to provide a new method of taking the vote of soldiers when they are away from home on election day and in actual military service.

The bill is commendable but not workable. It provides that the commanding officer of each unit shall secure and transmit, etc. Since most of the soldiers are likely to be in the United States service, the State cannot by law require national officers to perform this duty. The present plan is better.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 137.

AN ACT

Creating a Board of Finance and Revenue; transferring to it all the powers and duties of the board of public accounts, the board of revenue commissioners, the sinking-fund commission, and the board to license private bankers, and fixing the number and salaries of members and employes thereof.

Section 1. Be it enacted, &c., That from and after the first day of June, Anno Domini one thousand nine hundred and seventeen, there is hereby established a Board of Finance and Revenue, to consist of the Auditor General, State Treasurer, Secretary of the Commonwealth, and Attorney General.

Section 2. This board shall assume and exercise all the rights, privileges, and functions of the board of public accounts, the board of revenue commissioners, the sinking-fund commission, and the board to license private bankers, now existing and operating under various acts of Assembly.

Section 3. Each member of this board shall receive one thousand five hundred dollars per annum for his services; and the board shall have the right to appoint a secretary, at a salary of two thousand dollars per annum; a clerk, at salary of one thousand five hundred dollars per annum, and a stenographer, at a salary of one thousand two hundred dollars per annum, in order to assist in the discharge of the board's duties.

Section 4. All acts or parts of acts inconsistent herewith be, and the same are hereby, repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 17, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate bill No. 932, entitled "An act creating a

Board of Finance and Revenue; transferring to it all the powers and duties of the board of public accounts, the board of revenue commissioners, the sinking-fund commission, and the board to license private bankers; and fixing the number and salaries of members and employes thereof."

This bill creates a Board of Finance and Revenue and takes the place of three boards,—public accounts, revenue commissioners, and sinking funds commission,—by consolidating the functions of these under one board. The general appropriation bill carries an item of \$22,000 to pay the expenses of the new board. The three boards displaced had appropriated to them in the aggregate \$14,400, and \$6,000 of this I have disallowed because it is unnecessary, leaving total cost of this service \$8,600. Thus the increased cost of this bill to the people is \$7,400, and by reason of my veto the total increased cost would be \$13,400, and absolutely no new duty is imposed. The increased cost is explained in section 3, in which a salary of \$1,500 per year is voted to the Auditor General, State Treasurer, Secretary of the Commonwealth, and the Attorney-General—all officials now serving on these old boards without compensation. They are paid by law now definite salaries that are in one way or another increased by compensation for services on such important boards as the Pardon Board and the Board of Public Grounds and Buildings, and some of the existing boards to be displaced by this bill. In view of the necessity of denying many worthy objects of State support, because of insufficient revenue, it is palpably unwise to approve a bill which in effect is only a salary raiser and in no way an instrument of added service. This may be justly styled "economy at an increased cost."

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 138.

AN ACT

Providing a means of relief and assistance to the families of soldiers resident in the respective counties of the Commonwealth.

Section 1. Be it enacted, &c., That the president judges in all single county districts of the courts of common pleas, and, in double districts, of a judge of the court of common pleas and the county commissioners, of the several counties of this Commonwealth, shall constitute a board of relief therein, to meet monthly, or as often as they find it necessary, at the office of the county commissioners; and, upon reasonable claim or suggestion, furnish such amount of support or relief, in each individual case as the board may deem proper and equitable, for the families of persons, resident in their respective counties, in any degree dependent upon soldiers, either volunteers or otherwise, as are enrolled and mustered into service from the respective counties, under either orders from the Governor of the Commonwealth or by authority of the Government of the United States, during the war with Germany; the claims or suggestions for such relief

to be made in writing, setting forth the facts of the case, with such proofs and verifications as the board may require; such claim to be filed in the office of the respective counties, with such evidence of the necessity for relief as may be required by a general order of such board; payments ordered for relief on such claims to be made by orders drawn in the usual form, with an indorsement on the back of each "Issued by Board of Relief," which indorsement shall be signed by one of the members of the board; and all the orders and vouchers issued and paid on such claims shall be duly audited by the county auditors, or other authorities, and published in the annual statement of the public expenditures of the respective counties. And, if it should be found requisite by the commissioners of any county of the Commonwealth, they are hereby authorized and empowered to make a temporary loan, or loans, at a rate of interest not exceeding the legal rate, to carry into effect the measures of relief provided by this act.

Section 2. That it shall be lawful for the county commissioners or the proper authorities of any county to levy taxes therein, if necessary, for the payment of such appropriations as may have been or hereafter be made, by the proper authorities in the respective counties, for the relief of the families of soldiers, from the respective counties, which may have been received and mustered into the service of the United States in the exigency of the country in the war with Germany; and such assessment and levy of taxes in any county for the purpose aforesaid, in any one year, shall not exceed two and one-half mills upon the dollar on the taxable property of such county; and it shall be lawful for the relief board of any county to receive and accept contributions and donations from any source to the relief fund, and appropriate the same on any application for relief, together with the public fund existing for the relief purpose aforesaid.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 17, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate bill No. 1082, entitled "An act providing a means of relief and assistance to the families of soldiers resident in the respective counties of the Commonwealth."

The purpose of this bill is wholly commendable. It aims to provide relief to the families of soldiers in the several counties of the Commonwealth. But the bill is so carelessly drawn that its purposes will be defeated if attempt be made for its enforcement. The bill attempts to create boards of relief. What is meant by a "single county district" or a "double county district" is not clear. These terms are not defined and have no status in existing law. In such districts as Judicial No. 20, where three counties constitute a judicial district, there is apparently no provision even by indirection. Boards are to be made up of the president judges. Outside of Philadelphia this means a board of one. Does the judge act with the county commissioners in judicial districts of two or more counties? Do county commissioners really become members of the board in what are called "single county districts?"

There is no authority to make payment from the county treasury, nor is there any notice in the title that counties are to pay the sums these boards may authorize.

The bill also, on lines 9 and 10 of page 2, requires that "such claim shall be filed in the office of the respective counties." What office? Where is it? What does this mean?

The bill is thus seen to be carelessly drawn; but even so, it would, for the good it may do, have received approval were it not for the fact that I am advised by competent officials thereof that the American Red Cross Society "has undertaken the very thing named" in this bill. Since this national organization has recently received from the patriotic people of Pennsylvania above \$10,000,000, and since they desire to do all this relief work and to avoid all possible confusion and duplication of effort, this bill is not necessary.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 139.

AN ACT

Enlarging the powers of mutual savings fund and building and loan associations, and authorizing them to invest in bonds of the United States and of the State of Pennsylvania.

Section 1. Be it enacted, &c., That when there are any moneys remaining in the treasury of any mutual savings fund and building and loan association unapplied for by any of its stockholders, and not required to pay withdrawals and matured stock and borrowed money, if any, it shall be lawful for the board of directors to invest such funds in bonds of the Government of the United States or of the Government of the State of Pennsylvania.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 17, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate bill No. 1679, entitled "An act enlarging the powers of mutual savings fund and building and loan associations, and authorizing them to invest in bonds of the United States and of the State of Pennsylvania."

This bill authorizes mutual savings fund and building and loan associations to invest in bonds of the United States and of the State of Pennsylvania.

This bill's purposes are already met by acts heretofore approved, to wit, act No. 28, April 5, 1917; act No. 29, April 5, 1917; and act No. 248, approved July 5, 1917. This bill is superfluous.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 140.

AN ACT

To provide that justices of the peace may hold the office of notary public.

Section 1. Be it enacted, &c., That so much of an act, entitled "A further supplement to the act, entitled "An act to enable the Governor to appoint notaries public, and for other purposes therein mentioned," approved the fourteenth day of April, one thousand eight hundred and forty (Pamphlet Laws, page three hundred and thirty-four), as renders, or has been construed to render, justices of the peace ineligible to the office of notary public, be, and the same is hereby, repealed: Provided, That justices of the peace shall not have jurisdiction to try any suit arising upon paper protested by them as notaries public.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 17, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate bill No. 1700, entitled "An act to provide that justices of the peace may hold the office of notary public."

There is no necessity for this bill. The act of April 23, 1909 (P. L. 151), permits justices of the peace to hold the office of notary public, and by its repeal clause repeals legislation in conflict therewith. This bill, therefore, if approved, would accomplish nothing. It aims to do what has been done. It is superfluous.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 141.

AN ACT

To amend section one of an act, approved the seventh day of June, one thousand nine hundred and seventeen, entitled "An act to amend an act, entitled 'An act to provide for the retirement of State employes, permanently disqualified by reason of physical or mental disability to perform their official functions and duties, with half pay, under certain conditions, during the remainder of their lives, except State employes whose retirement has been or shall be otherwise provided for, and the filling of vacancies caused by such retirement,' approved the fourteenth day of June, Anno Domini one thousand nine hundred and fifteen, so as to extend the operation thereof to all employes in penitentiaries and other institutions operated by the Commonwealth, as well as those more directly in the service thereof," by extending its provisions so as to include all employes of the executive and legislative branches of the Commonwealth.

Section 1. Be it enacted, &c., That section one of an act, approved the seventh day of June, one thousand nine hundred and seventeen, entitled "An act to amend an act, entitled 'An act to provide for retirement of State employes, permanently disqualified by reason of physical or mental disability to perform their official functions and duties, with half pay, under certain conditions, during the remainder of their lives, except State employes whose retirement has been or

shall be otherwise provided for, and the filling of vacancies caused by such retirement,' approved the fourteenth of June, Anno Domini one thousand nine hundred and fifteen, so as to extend the operation thereof to all employes in penitentiaries and other institutions operated by the Commonwealth, as well as those more directly in the service thereof," which reads as follows:—

"Section 1. Be it enacted, &c., That hereafter, whenever the Governor is of opinion, based upon satisfactory medical evidence, that a State employe is, by reason of physical or mental disability, permanently incapacitated for performing his regular official duties, except State employes whose retirement has been or shall be otherwise provided for, he shall notify said employe of his opinion, giving the reasons therefor; and if the said employe shall resign within thirty days after such notice, and shall have served in office as such a State employe for twenty-five years or more, or who shall have reached the age of sixty-five years and shall have served in office as such a State employe for twenty years or more, and shall hold himself in readiness to perform special duties, in such ways as he may be reasonably able to do, after his honorable retirement from office by resignation, he shall receive during the remainder of his life, or during the continuance of such disability or incapacity, one-half of the salary which he would have received had he remained in active service. The term 'State employe,' as used in this act, shall apply to all employes in penitentiaries, reformatories and other institutions operated by the Commonwealth, as well as those more directly in the service thereof," be amended to read as follows:—

Section 1. Be it enacted, &c., That hereafter, whenever the Governor is of opinion, based upon satisfactory medical evidence, that a State employe is, by reason of physical or mental disability, permanently incapacitated for performing his regular official duties, except State employes whose retirement has been or shall be otherwise provided for, he shall notify said employe of his opinion, giving the reasons therefor; and if the said employe shall resign within thirty days after such notice, and shall have served in office as such a State employe for twenty-five years or more, or who shall have reached the age of sixty years and shall have served in office as such a State employe for twenty years or more, and shall hold himself in readiness to perform special duties, in such ways as he may be reasonably able to do, after his honorable retirement from office by resignation, he shall receive during the remainder of his life, or during the continuance of such disability or incapacity, one-half of the salary which he would have received had he remained in active service. The term "State employe," as used in this act, shall apply to all employes in the executive and legislative branches of this Commonwealth, as well as all employes of penitentiaries, reformatories and other institutions operated by the Commonwealth, as well as those more directly in the service thereof.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 17, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate bill No. 1714, entitled "An act to amend

section one of an act, approved the seventh day of June, one thousand nine hundred and seventeen, entitled 'An act to amend an act, entitled 'An act to provide for the retirement of State employes, permanently disqualified by reason of physical or mental disability to perform their official functions and duties, with half pay, under certain conditions, during the remainder of their lives, except State employes whose retirement has been or shall be otherwise provided for, and the filling of vacancies caused by such retirement,' approved the fourteenth day of June, Anno Domini one thousand nine hundred and fifteen, so as to extend the operation thereof to all employes in penitentiaries and other institutions operated by the Commonwealth, as well as those more directly in the service thereof,' by extending its provisions so as to include all employes of the executive and legislative branches of the Commonwealth."

The bill is an amendment to the act of June 7, 1917, providing for the pensioning of State employes, by specifically including those employed in the legislative branch of the Government. The act above cited includes all State employes, and it is unnecessary to add this explication of a law just approved. The question will not arise before relief can be granted, should some decision adverse to these employes be put to judicial test. They are secure in their inclusion until the courts—if ever—exclude them.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 142.

AN ACT

Authorizing township commissioners, in townships of the first class, to prohibit the keeping of hogs within the limits of such townships, or parts of such townships, and to regulate the keeping of hogs in such parts of townships of the first class where permission is given.

Section 1. Be it enacted, &c., That the township commissioners of townships of the first class may by proper ordinances, regulate the keeping of hogs within the limits of such townships, and may prohibit the keeping of hogs in thickly built-up sections, or in places where they are a public nuisance or prejudicial to public health and comfort.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 19, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House bill No. 1242, entitled "An act authorizing township commissioners, in townships of the first class, to prohibit the keeping of hogs within the limits of such townships, or parts of such townships, and to regulate the keeping of hogs in such parts of townships of the first class where permission is given."

This bill authorizes the commissioners of townships of the first class to prohibit or to regulate the keeping of hogs in such townships. The bill on passage was amended as to its provisions, but its title was not amended to conform to the body of the bill. The body and title do not agree. Thus the title is defective and the bill as a whole is unconstitutional.

The general power now possessed by the Department of Health is ample to protect the health of the people and to abate any nuisance upon complaint.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 143.

AN ACT

To amend an act, approved the twentieth day of May, one thousand nine hundred fifteen, entitled "An act requiring cities of the first class to establish a pension fund for employes of said cities, and all county or other public employes, if any, paid by appropriation of the city councils thereof, and out of the treasury of said cities, and regulating the administration and the payment of such pensions," including, also, city and other public employes paid out of the funds of any public commission, or private funds.

Section 1. Be it enacted, &c., That sections two, three, four, five, six, and ten of an act, approved the twentieth day of May, one thousand nine hundred fifteen (Pamphlet Laws, five hundred sixty-six), entitled "An act requiring cities of the first class to establish a pension fund for employes of said cities, and all county or other public employes, if any, paid by appropriation of the city councils thereof, and out of the treasury of said cities, and regulating the administration and the payment of such pensions," which, respectively, read as follows:—

"Section 2. In every such city of the first class there shall be created a board to be known as the Pension Board, consisting of the mayor, the city treasurer, the city controller, one member of select council and one member of common council, of said city, to be selected annually by the respective bodies. It shall be the duty of said board to register all persons employed by the said city, and all other public employes paid out of the treasury thereof, as aforesaid, if any, and to administer the collection and distribution of the fund herein provided for, and to do such acts and make such reasonable rules in the premises as such board may deem necessary to effectually carry into effect the provisions of this act.

"Section 3. Every person now or hereafter employed by the said cities, or paid out of the city treasury thereof, as herein above provided, if any, of the age of sixty years and upwards, who shall have been so employed for a period of twenty years or more, shall, upon application to the board of pensions herein created, be retired from service, and shall during the remainder of his or her life receive a pension or compensation fixed by this act, subject to such qualifications as are herein contained.

"Section 4. During the lifetime of the said person he or she shall be entitled to receive as a pension, annually, from the fund set aside for the purpose, fifty per centum of the amount which would constitute the average annual salary or wages which he or she received during the last five years of his or her employment by the said city, or other public employment, as aforesaid. Said pension to be paid in monthly payments. Should any person so employed, after twenty years of service, be dismissed, voluntarily retire, or be in any manner deprived of his position or employment before attaining the age of sixty years, upon continuing a monthly payment to the fund equal to the last amount due and paid monthly while in active service, said person shall be entitled to the pension above mentioned, notwithstanding he or she has not attained the age of sixty years at the time of his or her separation from the public service; but said pension shall not commence until he or she has attained the age of sixty years. Should any employe, however, become totally and permanently disabled, after twenty years of service and before attaining the age of sixty years, he or she shall be entitled to the said pension. Proof of total and permanent disability shall consist of the sworn statement of three practicing physicians, designated by the board, that the employe is in a permanent condition of health which would totally disable him or her from performing the duties of his or her position or office. The pension paid to any one employe shall not exceed one hundred dollars per month.

"Section 5. The city, county, or other public employes, if any, herein mentioned, shall, after the passage of this act, pay unto the board of pensions, monthly, an amount equal to two per centum of their monthly salaries or wages,—in no event, however, paying at a rate greater than four dollars a month,—which shall be applied to the purposes of this act. Payment of the monthly amount or contribution herein mentioned shall cease and be discontinued at the time the beneficiary receives the pension herein provided. If, for any cause, an employe contributing to the pension fund shall cease to be an employe of any such cities of the first class, or other county or public employes paid out of the treasury of such cities, before said employe becomes entitled to the pension conferred by this act, the total amount of the contributions paid into the pension fund by such employe shall be refunded to him in full, without interest: Provided, however, If any such employe shall have returned to him or her the amount contributed, as aforesaid, and shall afterward re-enter such public employment, said employe shall not be entitled to the pension designated until twenty years after the said re-employment, unless he or she shall return to the pension fund the amount withdrawn; in which event the period of twenty years shall be computed from the time said employe first entered the such public service. In the event of the death of any employe before the said employe becomes entitled to the pension aforesaid, the said total amount of contributions aforesaid shall be paid over to the estate of said deceased employe.

"Section 6. Should any person holding position in said cities of the first class, or any county or other public employes, if any, paid out of the treasury of such cities, as aforesaid, be paid a per diem wage, he or she shall not be compelled to pay or contribute toward

the pension fund herein provided for; but shall have the option, or choice, of so doing, and, in that event only, becoming entitled to the pension provided by this act.

"Section 10. The benefits conferred by this act shall apply to all persons employed in any capacity by, or holding positions in, the cities included in its provisions, or paid out of the treasury thereof, as aforesaid: Provided, That this act shall not apply to employes of such departments, bureaus, or offices as are now protected by pension authorized by the laws of this State, and in force at the time of the passage of this act," are amended to read, respectively, as follows:—

Section 2. In every such city of the first class there shall be created a board, to be known as the Pension Board, consisting of the mayor, the city treasurer, the city controller, one member of select council and one member of common council, of said city, to be selected annually by the respective bodies. It shall be the duty of said board to register all persons employed by the said city, and all other public employes paid out of the treasury thereof, as aforesaid, or paid out of the funds of any public commission or out of private funds, if any, and to administer the collection and distribution of the fund herein provided for, and to do such acts and make such reasonable rules in the premises as such board may deem necessary to effectually carry into effect the provisions of this act.

Section 3. Every person now or hereafter employed by the said cities, or paid out of the city treasury thereof, or in or about work done for public purposes in said cities, as herein before provided, if any, of the age of sixty years and upwards, who shall have been so employed for a period of twenty years or more, shall, upon application to the board of pensions herein created, be retired from service, and shall during the remainder of his or her life receive a pension or compensation fixed by this act, subject to such qualifications as are herein contained.

Section 4. During the lifetime of the said person he or she shall be entitled to receive as a pension, annually, from the fund set aside for the purpose, fifty per centum of the amount which would constitute the average annual salary or wages which he or she received during the last five years of his or her employment by the said city, or other public employment, as aforesaid, or out of the funds of any public commission or out of private funds. Said pension to be paid in monthly payments. Should any person so employed, after twenty years of service, be dismissed, voluntarily retire, or be in any manner deprived of his position or employment, before attaining the age of sixty years, upon continuing a monthly payment to the fund equal to the last amount due and paid monthly while in active service, said person shall be entitled to the pension above mentioned, notwithstanding he or she has not attained the age of sixty years at the time of his or her separation from the public service; but said pension shall not commence until he or she has attained the age of sixty years. Should any employe, however, become totally and permanently disabled, after twenty years of service and before attaining the age of sixty years, he or she shall be entitled to the said pension. Proof of total and permanent disability shall consist of the sworn statement of three practicing physicians, designated by the

board, that the employe is in a permanent condition of health which would totally disable him or her from performing the duties of his or her position or office. The pension paid to any one employe shall not exceed one hundred dollars per month.

Section 5. The city, county, or other public employes, if any, herein mentioned, shall, after the passage of this act, pay unto the board of pensions, monthly, an amount equal to two per centum of their monthly salaries or wages,—in no event, however, paying at a rate greater than four dollars a month,—which shall be applied to the purposes of this act. Payment of the monthly amount or contribution herein mentioned shall cease and be discontinued at the time the beneficiary receives the pension herein provided. If, for any cause, an employe contributing to the pension fund shall cease to be an employe of any such cities of the first class, or other county or public employes paid out of the treasury of such cities, or out of the funds of any public commission or out of private funds, before said employe becomes entitled to the pension conferred by this act, the total amount of contributions paid into the pension fund by such employe shall be refunded to him in full, without interest: Provided, however, If any such employe shall have returned to him or her the amount contributed, as aforesaid, and shall afterward re-enter such public employment, said employe shall not be entitled to the pension designated until twenty years after the said re-employment, unless he or she shall return to the pension fund the amount withdrawn; in which event the period of twenty years shall be computed from the time said employe first entered the such public service. In the event of the death of any employe before the said employe becomes entitled to the pension aforesaid, the said total amount of contributions aforesaid shall be paid over to the estate of said deceased employe.

Section 6. Should any person holding position in said cities of the first class, or any county or other public employes, if any, paid out of the treasury of such cities as aforesaid, or out of the funds of any public commission or out of private funds, be paid a per diem wage, he or she shall not be compelled to pay or contribute toward the pension fund herein provided for; but shall have the option, or choice, of so doing, and, in that event only, becoming entitled to the pension provided by this act.

Section 10. The benefits conferred by this act shall apply to all persons employed in any capacity by, or holding positions in, the cities included in its provisions, or paid out of the treasury thereof, as aforesaid, or paid out of the funds of any public commission or out of any private funds: Provided, That this act shall not apply to employes of such departments, bureaus, or offices as are now protected by pension authorized by the laws of this State, and in force at the time of the passage of this act.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 19, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objection, House bill No. 892, entitled "An act to amend an act, approved the twentieth day of May, one thousand nine hundred fifteen, entitled 'An act requiring cities of the first class to establish

a pension fund for employes of said cities, and all county or other public employes, if any, paid by appropriation of the city councils thereof, and out of the treasury of said cities, and regulating the administration and the payment of such pensions,' including also city and other public employes paid out of the funds of any public commission or private funds."

The bill includes under the beneficiaries of the pension fund of cities of the first class all city and other public employes paid "out of the funds of any public commission, or out of private funds." The bill in all other respects conforms to House bill No. 350, which was approved May 17, 1917.

The city authorities and officials of the Philadelphia Pension Association are opposed to this bill, for the reason that its language is vague and its provisions might and doubtless would be made to include many groups that are not in equal justice entitled to such retirement fund. The difficulty arises from the fact that it is almost impossible to determine the status of a public employe when paid out of "private funds." It is really a sweeping amendment and includes everybody. The pension system would break down, thus denying to all the pension now provided for many. It would include employes of contractors engaged on public work, employes of city trusts, commissioners or individuals operating for the city but whose employment is in no sense governed by the city. Such persons are really not public employes, and to them the public owe no such obligation. Until a new form of pension with reference to old age is evolved which will include all persons it is unwise to load down and destroy the special funds now operative.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 144.

AN ACT

Amending section six of an act, entitled "An act authorizing the release on probation of certain convicts, instead of imposing sentences; the appointment of probation and parole officers, and the payment of their salaries and expenses; regulating the manner of sentencing convicts in certain cases, and providing for their release on parole, their conviction of crime during parole, and their rearrest and reconviction for breach of parole; and extending the powers and duties of boards of prison inspectors of penitentiaries," approved the nineteenth day of June, one thousand nine hundred eleven; in order that same may limit the minimum sentence so that it shall in no case exceed one-third the maximum sentence.

Section 1. Be it enacted, &c., That section six of an act, approved the nineteenth day of June, one thousand nine hundred and eleven (Pamphlet Laws, one thousand and fifty-five), entitled "An act authorizing the release on probation of certain convicts, instead of imposing sentences; the appointment of probation and parole officers, and the payment of their salaries and expenses; regulating the manner of sentencing convicts in certain cases, and providing for their release on parole, their conviction of crime during parole, and their rearrest and reconviction for breach of parole; and extending the powers and duties of boards of prison inspectors of penitentiaries," which reads as follows:—

"Section 6. Whenever any person, convicted in any court of this Commonwealth of any crime, shall be sentenced to imprisonment in any penitentiary of the State, the court, instead of pronouncing upon such convict a definite or fixed term of imprisonment, shall pronounce upon such convict a sentence of imprisonment for an indefinite term; stating in such sentence the minimum and maximum limits thereof; and the maximum limit shall never exceed the maximum time now or hereafter prescribed as a penalty for such offense: Provided, That no persons sentenced for an indeterminate term shall be entitled to any benefits under the act, entitled 'An act providing for the commutation of sentences for good behavior of convicts in prisons, penitentiaries, workhouses, and county jails in this State, and regulations governing the same,' approved the eleventh day of May, Anno Domini one thousand nine hundred and one," is hereby amended to read as follows:—

Section 6. Whenever any person, convicted in any court of this Commonwealth of any crime, shall be sentenced to imprisonment in any penitentiary of this State, the court, instead of pronouncing upon such convict a definite or fixed term of imprisonment, shall pronounce upon such convict a sentence of imprisonment for an indefinite term, stating in such sentence the minimum and maximum limits thereof; and the maximum limit thereof shall never exceed the maximum time now or hereafter prescribed as a penalty for such offense; and the minimum limit shall never exceed one-third of the maximum sentence prescribed by any court: Provided, That any convict in the State penitentiaries who is now serving under a sentence or sentences imposed after the thirtieth day of June, Anno Domini one thousand nine hundred and eleven, may, when he or she shall have served one-third of such maximum sentence or sentences, be eligible to parole under the provisions and subject to the conditions of the act to which this is an amendment: And provided, further, That no person sentenced for an indeterminate term shall be entitled to any benefits under the act, entitled "An act providing for the commutation of sentences for good behavior of convicts in prisons, penitentiaries, workhouses, and county jails in this State, and regulations governing the same," approved the eleventh day of May, Anno Domini one thousand nine hundred and one.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 19, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objection, House bill No. 185, entitled "An act amending section six of an act, entitled 'An act authorizing the release on probation of certain convicts, instead of imposing sentences; the appointment of probation and parole officers, and the payment of their salaries and expenses; regulating the manner of sentencing convicts in certain cases, and providing for their release on parole, their conviction of crime during parole and their rearrest and reconviction for breach of parole, and extending the powers and duties of boards of prison inspectors of penitentiaries,' approved the

nineteenth day of June, one thousand nine hundred eleven, in order that same may limit the minimum sentence so that it shall in no case exceed one-third the maximum sentence."

This bill extends the present parole law to convicts serving under sentences imposed after June 30, 1911. It extends to this class of convicts the provisions of the act of June 19, 1911 (P. L. 1055), and permits parole after one-third of the period of maximum sentence has been served. Under the laws of Pennsylvania the maximum sentence for murder in the second degree is twenty years.

This bill would allow parole after less than seven years. Often a second-degree verdict is rendered because of the unwillingness of men on juries to render a first-degree verdict. This amelioration or punishment will be corrected when a wiser sentiment enacts a law abolishing capital punishment. Thus a heinous crime would receive too light a penalty. Some judges have imposed in such cases a maximum penalty of 20 years and a minimum penalty of 19 years 11 months and 29 days. Public sentiment and free discussion will regulate such decree, rather than a legislative statute that binds the court to a defined procedure. The prosecuting attorneys, the prison officials, and the responsible executive department unite in protesting the approval of this bill.

While I believe that some amelioration of sentence is humane and proper, this bill covers too wide a range to warrant it becoming a law.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 145.

AN ACT

To amend section six hundred seventeen of an act, entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," approved the eighteenth day of May, Anno Domini nineteen hundred and eleven, and providing for the construction, reconstruction, or repair of school buildings, or work upon school property, within the Commonwealth of Pennsylvania, by contract, where the cost value or amount of same, including labor and material, exceeds the sum of three hundred dollars (\$300.00).

Section 1. Be it enacted, &c., That section six hundred seventeen of an act, entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," approved the eighteenth day of May, Anno Domini nineteen hundred and eleven, and which reads as follows:—

"Section 617. Every contract in excess of three hundred dollars (\$300.00), made by any school district in this Commonwealth, for the introduction of heating, ventilating, or lighting systems, or the construction, reconstruction, or repair of any school building, or work upon any school property, shall be awarded to the lowest and best bidder, after due public notice has been given, upon proper terms asking for competitive bids," be, and the same is hereby, amended to read as follows:—

Section 617. All construction, reconstruction, repairs, or work of any nature upon any school building or upon any school property, made by any school district in this Commonwealth, where the cost value or amount of such separate construction, reconstruction, repairs, or work, including labor and material, shall exceed three hundred dollars (\$300.00), shall be done under contract or contracts, to be entered into by such school district with the lowest responsible bidder, upon proper terms, after due public notice has been given asking for competitive bids.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 19, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House bill No. 1639, entitled "An act to amend section six hundred seventeen of an act, entitled 'An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith,' approved the eighteenth day of May, Anno Domini nineteen hundred and eleven; and providing for the construction, reconstruction, or repair of school buildings, or work upon school property, within the Commonwealth of Pennsylvania, by contract, where the cost value or amount of same, including labor and material, exceeds the sum of three hundred dollars (\$300.00)."

This bill amends section 617 of the School Code of 1911 (P. L. 309). Under the code all contracts above \$300, for any work on a public school building shall be awarded to the lowest and best bidder, after due public advertisement. This bill would so amend this section of the code as to allow a dividing of work into smaller units, and thus award an aggregate contract of a large sum without advertising.

This is not a wise change. The Pittsburgh school district opposes it on the ground that it would seriously impair the service now rendered under law in such cases. The Philadelphia school district has given no indication of its concern, although I happen to know that the situation there would likewise be adversely affected.

The code has given the procedure that is wise and that for six years has met the approval of school officials.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 146.

AN ACT

To amend section one of an act, approved the twenty-fifth day of June, one thousand nine hundred and thirteen, entitled "An act authorizing the township commissioners of townships of the first class to ordain and establish sidewalks along the principal streets and highways of the township, leading directly to or connecting cities, boroughs, villages, or places of public resort; providing for and regulating the construction of the same; and authorizing the township commissioners to charge a part of the expense of constructing the same, including the grading and curbing thereof, upon the abutting property owners, and to defray the remaining part of such expenses from the public funds of the township," ordaining and establishing sidewalks over and upon land abutting along the sides of streets, highways, and turnpikes, and providing for the assessment and payment of damages and benefits in connection therewith.

Section 1. Be it enacted, &c., That section one of an act, approved the twenty-fifth day of June, one thousand nine hundred and thirteen (Pamphlet Laws, five hundred sixty-one), entitled "An act authorizing the township commissioners of townships of the first class to ordain and establish sidewalks along the principal streets and highways of the township, leading directly to or connecting cities, boroughs, villages, or places of public resort; providing for and regulating the construction of the same; and authorizing the township commissioners to charge a part of the expense of constructing the same, including the grading and curbing thereof, upon the abutting property owners, and to defray the remaining part of such expense from the public funds of the township," which reads as follows:—

"Section 1. Be it enacted, &c., That it shall be lawful for the board of township commissioners of any township of the first class in this Commonwealth, and they are hereby authorized and empowered, from time to time, whenever they may deem it advisable so to do, to ordain and establish sidewalks along either one or both sides of any principal street or highway of the said township, leading directly to or connecting cities, boroughs, villages, or places of public resort, within the lines of the said street or highway, for such distance as the said board of township commissioners may deem proper: Provided, however, That in case the said street or highway be a turnpike or other road, managed and controlled by a corporation duly incorporated under the laws of this Commonwealth, the written consent of the said corporation shall first be obtained thereto," is hereby amended to read as follows:—

Section 1. Be it enacted, &c., That it shall be lawful for the board of township commissioners of any township of the first class in this Commonwealth, and they are hereby authorized and empowered, from time to time, whenever they may deem it advisable so to do, to ordain and establish sidewalks along either one or both sides of any principal street or highway of the said township, leading directly to or connecting cities, boroughs, villages, or places of public resort, within the lines of the said street or highway, or upon or over the land abutting or fronting along the side of any street, highway, or turnpike road, for such distance as the said board of township commissioners may deem proper: Provided, however, That in case the said street or highway be a turnpike or other road, managed and controlled by a corporation duly incorporated under

the laws of this Commonwealth, the written consent of the said corporation shall first be obtained thereto: And provided further, That the damages caused to any land abutting or fronting along the side of any street, highway, or turnpike road, and all benefits in connection therewith, shall be assessed and paid for as provided by existing laws relating to the widening of roads and streets by township commissioners.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 19, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House bill No. 1265, entitled "An act to amend section one of an act, approved the twenty-fifth day of June, one thousand nine hundred and thirteen, entitled 'An act authorizing the township commissioners of townships of the first class to ordain and establish sidewalks along the principal streets and highways of the township, leading directly to or connecting cities, boroughs, villages, or places of public resort, providing for and regulating the construction of the same, and authorizing the township commissioners to charge a part of the expense of constructing the same, including the grading and curbing thereof, upon the abutting property owners, and to defray the remaining part of such expenses from the public funds of the township,' ordaining and establishing sidewalks over and upon land abutting along the sides of streets, highways, and turnpikes, and providing for the assessment and payment of damages and benefits in connection therewith."

This bill amends the act of June 25, 1913 (P. L. 561), relating to sidewalks in townships of the first class. The act amended by this bill was repealed by the township code (H. B. No. 682), which is approved. The proponent of this bill evidently was not in touch with the provisions of House bill No. 682. Otherwise I cannot conceive how he could vote for the township code, repealing the act he seeks to amend, and at the same time ask for this bill. It would have been a simple matter to amend the township code in a way that would have made this legislation possible. This indifference or neglect gives rise to this veto.

Manifestly it is both futile and impossible to amend a nonexistent statute.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 147.

AN ACT

To amend sections one and two of an act, approved the seventh day of June, one thousand nine hundred and one, entitled "An act to authorize the township commissioners, in townships of the first class, to lay out, widen, open, and vacate streets and highways, within their respective townships, at the expense of the township or the properties benefited."

Section 1. Be it enacted, &c., That section one of an act, approved the seventh day of June, one thousand nine hundred and one

(Pamphlet Laws, five hundred ten), entitled "An act to authorize the township commissioners, in townships of the first class, to lay out, widen, open, and vacate streets and the highways within their respective townships, at the expense of the township or the properties benefited," which reads as follows:—

"Section 1. Be it enacted, &c., That the board of township commissioners, in townships of the first class, shall have power to enact, ordain, survey, lay out, widen, straighten, vacate, and relay all roads, streets, lanes, and alleys within the township, upon the petition of any owner or owners of property through whose lands any such road, street, lane, or alley shall pass, or upon whose land the same shall abut, if, in the judgment of said board of commissioners, the same shall be deemed proper and necessary for the public convenience or benefit; and thereupon the said board shall give ten days' notice to the property owners affected thereby, of the time and place when and where all parties interested may meet and be heard, and witnesses may be summoned and examined by said board and said parties interested, at said meeting or any adjournment thereof; and, after such hearing and consideration of the matter, should the said board or a majority thereof decide in favor of granting the prayer of said petition, they shall make written report, together with a draft or survey of said road, street, lane, or alley, fixing the width thereof, and noting the improvements along the line thereof, together with the names of the owners of property through which the same shall pass or whereon it shall abut, which report and draft shall be filed in the office of the clerk of the court of quarter sessions of the county wherein said township is situate: Provided, however, That any citizen or freeholder of said township may, within thirty days after filing of said report, upon entering in said court sufficient surety to indemnify the said board for all costs incurred in the proceedings, file in said court exceptions to the said report, together with a petition for review, in conformity with the now existing road laws of this Commonwealth," is hereby amended to read as follows:—

Section 1. Be it enacted, &c., That the board of township commissioners, in townships of the first class, shall have power to enact, ordain, survey, lay out, widen, straighten, vacate, and relay all roads, streets, lanes, and alleys within the township if, in the judgment of said board of commissioners, the same shall be deemed proper and necessary for the public convenience or benefit; and thereupon the said board shall give ten days' notice to the property owners affected thereby, of the time and place when and where all parties interested may meet and be heard, and the witnesses may be summoned and examined by said board and said parties interested at said meeting or any adjournment thereof; and, after such hearing and consideration of the matter, should the said board or a majority thereof decide favorably, they shall make written report, together with a draft or survey of said road, street, lane, or alley, fixing the width thereof, and noting the improvements along the line thereof, together with the names of the owners of property through which the same shall pass or whereon it shall abut; which report and draft shall be filed in the office of the clerk of the court of quarter sessions of the county wherein said township is situate:

Provided, however, That any citizen or freeholder of said township may, within thirty days after the filing of said report, upon entering in said court sufficient surety to indemnify the said board for all costs incurred in the proceedings, file in said court exceptions to the said report, together with a petition for review in conformity with the now existing road laws of this Commonwealth.

Section 2. That section two of said act, which reads as follows:—

“Section 2. That, upon the favorable action in such petition by said board, and after the expiration of the term allowed for filing exceptions, or upon the order of said court, in case the compensation for the damages or benefits accruing therefrom have not been agreed upon, the said court of quarter sessions of the proper county, or any law judge thereof in vacation, on application thereto by petition by said board of commissioners or any person interested, shall appoint three discreet and disinterested freeholders of said township as viewers; and appoint a time, not less than twenty nor more than thirty days thereafter, when said viewers shall meet upon the line of the improvement and view the same and the premises affected thereby. The said viewers shall give at least ten days’ notice of the time of their first meeting, by publication in one or more newspapers of said township in which it is situate, and by handbills posted upon the premises, or otherwise, as the said court shall direct, having regard to the circumstances of the case,” is hereby amended to read as follows:—

Section 2. After the expiration of the term allowed for filing exceptions, or upon the order of said court in case the compensation for the damages or benefits accruing therefrom have not been agreed upon; the said court of quarter sessions of the proper county, or any law judge thereof in vacation, on application thereto by petition by said board of commissioners or any person interested, shall appoint three discreet and disinterested freeholders of said township as viewers, and appoint a time, not less than twenty nor more than thirty days thereafter, when said viewers shall meet upon the line of the improvement and view the same and the premises affected thereby. The said viewers shall give at least ten days’ notice of the time of their first meeting, by publication in one or more newspapers of said township in which it is situate, and by handbills posted upon the premises, or otherwise, as the said court shall direct, having regard to the circumstances of the case.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 19, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House bill No. 1264, entitled “An act to amend sections one and two of an act, approved the seventh day of June, one thousand nine hundred and one, entitled ‘An act to authorize the township commissioners in townships of the first class to lay out, widen, open, and vacate streets and highways, within their respective townships, at the expense of the township or the properties benefited.’”

This bill amends sections 1 and two of the act of June 7, 1901 (P. L. 510), relating to the laying out of streets in townships of the first class. The act amended by this bill was repealed by the township code (House bill No. 682), which is approved. It is manifestly unnecessary, and, of course, impossible, to amend an act that does not exist. (See also my veto of House bill No. 1265.)

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 148.

AN ACT

To amend section one of an act, approved the twenty-eighth day of April, one thousand nine hundred and fifteen, entitled "An act regulating the manner and time of payment of employes of cities of the first class," including employes of school districts.

Section 1. Be it enacted, &c., That section one of an act, approved the twenty-eighth day of April, one thousand nine hundred and fifteen (Pamphlet Laws, one hundred ninety-seven), entitled "An act regulating the manner and time of payment of employes of cities of the first class," which reads as follows:—

"Section 1. Be it enacted, &c., That employes of cities of the first class shall be paid semimonthly, on the first day and fifteenth day of the month: Provided, This act shall not go into effect until January first, one thousand nine hundred and sixteen," is hereby amended to read as follows:—

Section 1. Be it enacted. &c., That all public employes in cities of the first class, whether employed by the city or the school district, shall be paid semimonthly, on the first and the fifteenth day of the month.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 19, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House bill No. 1193, entitled "An act to amend section one of an act, approved the twenty-eighth day of April, one thousand nine hundred and fifteen, entitled 'An act regulating the manner and time of payment of employes of cities of the first class,' including employes of school districts."

This bill amends section 1 of the act of April 28, 1915 (P. L. 197), by requiring that in cities of the first class employes of the school district shall be paid semimonthly. There are no school districts by law corresponding in classification to cities of the first class. This bill would apply only to Philadelphia, and not to Pittsburgh, which are both school districts of the first class. The demand for this legislation seems confined to a few clerks in the controller's and treasurer's department. The great army of teachers, clerical assistants, and janitors do not seek this form of payment. The few

clerks desiring it can, by action of the board of education, readily be accommodated, and the great expense of additional clerical service which this bill would entail can be saved for educational work, and it is there needed.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 149.

AN ACT

To amend section two hundred and six of the act, approved the eighteenth day of May, one thousand nine hundred and eleven, entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by providing for the election of school directors in independent districts.

Section 1. Be it enacted, &c., That section two hundred and six of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws, three hundred nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," which reads as follows:—

"Section 206. Every independent school district, established as herein provided, shall have its affairs—except as to the election of school directors, who shall be appointed as hereinafter provided—administered by a board of school directors, subject to all the provisions of this act relating to the class of school districts to which such independent district belongs. And the court establishing such independent school district shall, at the time of so doing, appoint a board of properly qualified residents of the district, of like number and for the same term as is herein provided for such class of districts; and, in November of every odd year, such court shall appoint the proper number of directors for the full term of six years, whose terms shall begin on the first Monday of December following their appointment, and any vacancy in such board shall be filled by the court for the unexpired term," is hereby amended to read as follows:—

Section 206. Every independent school district, established as herein provided, shall have its affairs—except as to the election of school directors, who shall be elected as hereinafter provided—administered by a board of school directors, subject to all the provisions of this act relating to the class of school districts to which such independent district belongs. When an independent school district is established, the court shall, in the decree therefor, designate the

time and place for holding biennial elections of directors therein. The court shall also appoint two persons to hold the first election, and shall fix a time when the same shall be held. Such persons appointed shall give ten days' notice of the election, by printed or written handbills put up at not less than six public places within the district. At such first election a like number of directors shall be chosen as is herein provided for such class of districts, and for like terms. Thereafter, the number of directors provided for such district shall be chosen for six years, at the biennial election to be called and held by the president and secretary of the board, at the time and place and in the manner provided in the decree of the court. Such election in all other respects shall be conducted in conformity with the existing school law.

In independent districts now established, the first election of directors shall be held at such time and place, within the proper district, as may be specified by written or printed notices signed by not less than five taxable citizens of such district. Such notices shall be put up at not less than ten public places in the district, at least ten days prior to such election. Subsequent elections shall be held biennially, at such time and place as is designated by similar notices signed by the president and secretary of the proper board. Such elections in all other respects shall be held and conducted in the manner in this section before provided.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 19, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objection, House bill No. 1164, entitled "An act to amend section two hundred and six of the act, approved the eighteenth day of May, one thousand nine hundred and eleven, entitled 'An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith,' by providing for the election of school directors in independent districts."

This bill amends section 206 of the act of 1911 (P. L. 309), known as the School Code. It provides for election of school directors in independent districts, instead of appointment by the court. The same end was sought in Senate bill No. 1099, but in a wholly different way. The veto attached to that bill will in general apply to this. An independent school district has no territorial relations to any municipal units contemplated by the Constitution. It is an anomaly. There is no machinery that could operate to holding such an election. It would be almost impossible to have an election. That's why the framers of the code provided that such directors be appointed by the courts. I recognize the fact that in some independent school districts the people wish to vote for their school directors. In many others they do not. Where a given unit of

population seek, for their own good and against the general good, to erect a special form of government of any sort, it is only right that they should be willing, in view of the good they seek and the economy they secure, to forfeit some right which, had they been willing to cast their lot with the general public, would belong to them.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 150.

AN ACT

To amend the second section of an act, approved the twenty-third day of April, one thousand nine hundred and nine, entitled "An act making it a misdemeanor for any president, vice president, cashier, treasurer, secretary, teller, bookkeeper, clerk, employe, or agent of any mutual savings bank, savings bank, bank of discount and deposit, trust company, title insurance company, surety company, or safe deposit company, incorporated under the laws of this Commonwealth; or of any private bank or unincorporated association receiving deposits of money; or of any building and loan association, incorporated under the laws of this Commonwealth, or authorized to do business therein, his or their aiders and abettors,—to embezzle, abstract, or wilfully misapply any of the moneys, funds, or credits of such institution; or to issue certificates of deposit, draw any order or bill of exchange, make any acceptance, assign any note, bond, draft, bill of exchange, mortgage, judgment, or other instrument in writing, without authority from the directors of such institution, with intent to deceive or defraud; or to make a false entry in the books, reports, or statements thereof, with like intent; prescribing penalties, and authorizing the Banking Commissioner to institute prosecutions."

Section 1. Be it enacted, &c., That section two of an act of Assembly, entitled "An act making it a misdemeanor for any president, vice president, cashier, treasurer, secretary, teller, bookkeeper, clerk, employe or agent of any mutual savings bank, savings bank, bank of discount and deposit, trust company, title insurance company, surety company, or safe deposit company, incorporated under the laws of this Commonwealth; or of any private bank or unincorporated association, receiving deposits of money; or of any building and loan association, incorporated under the laws of this Commonwealth, or authorized to do business therein, his or their aiders and abettors,—to embezzle, abstract, or wilfully misapply any of the moneys, funds, or credits of such institution; or to issue certificates of deposit, draw any order or bill of exchange, make any acceptance, assign any note, bond, draft, bill of exchange, mortgage, judgment, or other instrument in writing, without authority from the directors of such institution, with intent to deceive or defraud; or to make a false entry in the books, reports, or statements thereof, with like intent; prescribing penalties, and authorizing the Banking Commissioner to institute prosecutions," approved the twenty-third day of April, one thousand nine hundred and nine, which reads as follows:—

"Section 2. Whenever the Commissioner of Banking shall have knowledge of any violation of this act, it shall be his duty to institute prosecutions against all persons violating any of the provisions hereof," be, and the same is hereby, amended so as to read as follows:—

Section 2. Whenever the Commissioner of Banking shall have knowledge of any violation of this act, he may institute prosecutions against all persons violating any of the provisions hereof.

Section 2. All acts or parts of acts inconsistent herewith be, and the same are hereby, repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 19, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House bill No. 1026, entitled "An act to amend the second section of an act, approved the twenty-third day of April, one thousand nine hundred and nine, entitled 'An act making it a misdemeanor for any president, vice president, cashier, treasurer, secretary, teller, bookkeeper, clerk, employe, or agent of any mutual savings bank, savings bank, bank of discount and deposit, trust company, title insurance company, surety company, or safe deposit company, incorporated under the laws of this Commonwealth; or of any private bank or unincorporated association receiving deposits of money; or of any building and loan association, incorporated under the laws of this Commonwealth, or authorized to do business therein, his or their aiders and abettors,—to embezzle, abstract, or wilfully misapply any of the moneys, funds, or credits of such institution, or to issue certificates of deposit, draw any order or bill of exchange, make any acceptance, assign any note, bond, draft, bill of exchange, mortgage, judgment, or other instrument in writing, without authority from the directors of such institution, with intent to deceive or defraud, or to make a false entry in the books, reports, or statements thereof, with like intent; prescribing penalties, and authorizing the Banking Commissioner to institute prosecutions.'"

This bill amends section 2 of the act of April 23, 1909, by providing that the Banking Commissioner, when he has knowledge of the violation of this act, "may institute prosecution." The law now says, "it shall be his duty to institute prosecution."

What merit is in the proposed change? If the Banking Commissioner has sufficient knowledge, he should prosecute. If he has not, he should not prosecute. There should be no "may" about it. Public officials are designated to enforce observance of law, not to exercise personal choice in case of violation of law. It is difficult to conceive the motive of such a bill as this. Is it a convenient loophole for lawbreakers? It certainly is not an act that carries the certainty of punishment for violation of law, and certainty is the essence of the element of legal restraint. Laws should be enacted to make it easy to do right, hard to do wrong; not hard to do right and easy to do wrong.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 151.

AN ACT

Authorizing James H. Mowrer and Ida Mowrer, his wife, of the borough of Athens, Bradford County, Pennsylvania; Carrie N. Steck, of Elmira, New York; Mabel E. Nicholas and Mary Agnes Nicholas, of Renovo, Clinton County; and Alice E. Nicholas, of Renovo, Clinton County, in her own right and in right of her children; and Ross Chestnutt, in his own right and in right of his minor daughter, Florence; and Esther Chestnutt, James Chestnutt, Clarence Chestnutt, and Robert Chestnutt, of Chicago, Illinois, and Ralph Chestnutt, of Toledo, Ohio, to bring suit against the Commonwealth.

Section 1. Be it enacted, &c., That James H. Mowrer and Ida Mowrer, his wife, of the borough of Athens, Bradford County, Pennsylvania, are hereby authorized to bring suit in the court of common pleas of Dauphin County against this Commonwealth, for any sum or sums of money that may be legally due the said James H. Mowrer and Ida Mowrer, his wife, from this Commonwealth, as damages to an automobile and personal injuries sustained by the said James H. Mowrer and Ida Mowrer, his wife, upon the State highway, approximately one and one-half miles from Ulster, in the county of Bradford. That Carrie N. Steck, of Elmira, New York; Mabel E. Nicholas and Mary Agnes Nicholas, of Renovo, Clinton County, are hereby authorized to bring suit or suits against the Commonwealth of Pennsylvania, jointly or severally, either in law or equity, in the court of common pleas of Clinton County, against the Commonwealth of Pennsylvania, to recover such sum or sums of money as may be legally or justly due said Carrie N. Steck, Mabel E. Nicholas and Mary Agnes Nicholas, or either of them, for or by reason of the death of their mother, Rachel Frances Nicholas, resulting from injuries sustained by her in an accident which occurred upon the State highway between Renovo and Westport, near Shintown, Noyes Township, Clinton County, on the seventeenth day of June, one thousand nine hundred seventeen; and that Alice E. Nicholas, a resident of Renovo, Clinton County, Pennsylvania, in right of herself, and in right of her children, Chester E. Nicholas, Helen M. Nicholas, Emily Isabel Nicholas, is hereby authorized to bring suit against the Commonwealth of Pennsylvania, either in law or equity, in the court of common pleas of Clinton County, against the Commonwealth of Pennsylvania, for any sum or sums of money that may be legally or justly due said Alice E. Nicholas, in her own right, or in the right of her children, for or by reason of, or arising out of, the death of Melville V. Nicholas, husband of said Alice E. Nicholas, and father of her said children, resulting from injuries sustained in an accident which occurred upon the State highway between Renovo and Westport, near Shintown, Noyes Township, Clinton County, on the seventeenth day of June, one thousand nine hundred seventeen; and that Ross Chestnutt, in his own right, and in the right of his minor child, Florence Chestnutt, and also Esther Chestnutt, James Chestnutt, Clarence Chestnutt, and Robert Chestnutt, of the city of Chicago, Illinois; and Ralph Chestnutt, of Toledo, Ohio,—are hereby authorized to bring suit against the Commonwealth of Pennsylvania, either in law or equity, in the court of common pleas of Clinton County, against the Commonwealth of Pennsylvania, for any sum or sums of money that may be legally or justly due for, or by

reason of, or arising out of, the death of Lizzie Chestnutt, wife of said Ross Chestnutt, and mother of Esther Chestnutt, Florence Chestnutt, Ralph Chestnutt, James Chestnutt, Clarence Chestnutt, and Robert Chestnutt, resulting from injuries sustained by said Lizzie Chestnutt in an accident which occurred upon the State highway between Renovo and Westport, near Shintown, Noyes Township, Clinton County, on the seventeenth day of June, one thousand nine hundred and seventeen. For the purpose hereby authorized, the Commonwealth of Pennsylvania in General Assembly met thereby assumes the same legal liability for the acts of its officers and employes as now sustains in the case of ordinary employer and employe. The said suits shall be subject to the same rules of practice, pleading, and evidence as in other and similar cases between individuals; and the defenses open to the Commonwealth shall be such as would be available to an individual if sued upon like facts.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 19, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House bill No. 1145, entitled "An act authorizing James H. Mowrer and Ida Mowrer, his wife, of the borough of Athens, Bradford County, Pennsylvania; Carrie N. Steck, of Elmira, New York; Mabel E. Nicholas and Mary Agnes Nicholas, of Renovo, Clinton County; and Alice E. Nicholas, of Renovo, Clinton County, in her own right and in right of her children; and Ross Chestnutt, in his own right and in right of his minor daughter, Florence; and Esther Chestnutt, James Chestnutt, Clarence Chestnutt, and Robert Chestnutt, of Chicago, Illinois, and Ralph Chestnutt, of Toledo, Ohio, to bring suit against the Commonwealth."

This bill as originally drawn and passed in the House was in every way a proper bill to enact, but in the Senate it was amended in such a way as to make it absolutely unconstitutional. It authorizes eight different people to bring suit in two different courts, for damages growing out of at least two different accidents, which occurred on two different days, on two different State highways, in two different counties. Thus it becomes a sort of "House that Jack built" cumulative offense against the Constitution, which the Senate presumably knew, and which reads in Article 3, Section 3, "No bill, except general appropriation bills, shall be passed containing more than one subject, which shall be clearly expressed in its title."

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 152.

AN ACT

To provide for the entering upon the locality index, in the offices of the prothonotaries of the courts of common pleas of the respective counties of this Commonwealth, of the assessment of benefits occasioned by the opening, widening, narrowing, vacating, change of grade, or construction of roads, streets, highways, sewers, or bridges.

Section 1. Be it enacted, &c., That whenever any benefits may be assessed, by the report of any board of viewers of the respective counties, for the opening, widening, narrowing, vacating, change of grade, or construction of any roads, streets, highways, sewers, or bridges, or occasioned by any appropriation of land by municipalities and by other corporations having the power of eminent domain, it shall be the duty of the clerk of the court of quarter sessions of the respective counties, immediately upon the filing of such report, to certify to the prothonotary of the same county the amount of such benefits, and the properties upon which the same are assessed; and thereupon it shall be the duty of such prothonotary to enter upon the locality index of his office the amount of said benefits, against the properties upon which the same may be assessed, together with the date when the same were assessed, in like manner as he is now required by law to enter upon the said locality index the filing of claims to enforce the lien for taxes, municipal work, or of mechanics' and municipal liens.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 19, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objection, House bill No. 1662, entitled "An act to provide for the entering upon the locality index, in the offices of the prothonotaries of the courts of common pleas of the respective counties of this Commonwealth, of the assessment of benefits occasioned by the opening, widening, narrowing, vacating, change of grade, or construction of roads, streets, highways, sewers, or bridges."

This bill provides for entering upon the locality index, in the office of prothonotaries, of assessed benefits occasioned by improving streets, &c. The purpose of this bill is commendable. It has, unfortunately, been drawn without reference to the law of third class cities. Its approval would lead to confusion. In third class cities, under existing laws, no lien of any kind for any street improvement ever gets into the court of quarter sessions. This bill provides that as soon as viewers' report is filed, even before confirmation, it shall be the duty of the clerk of quarter sessions to certify to the prothonotary the amount of the benefits. The law of third class cities is more satisfactory. It should not be disturbed. This bill would likely be held to repeal the various acts now acceptably enforced.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 153.

AN ACT

To amend section one of an act, approved the fourteenth day of June, one thousand nine hundred fifteen, entitled "An act to provide for retirement of State employes, permanently disqualified by reason of physical or mental disability to perform their official functions and duties, with half pay, under certain conditions, during the remainder of their lives, except State employes whose retirement has been or shall be otherwise provided for, and the filling of vacancies caused by such retirement."

Section 1. Be it enacted, &c., That section one of an act, approved the fourteenth day of June, one thousand nine hundred fifteen (Pamphlet Laws, nine hundred seventy-three), entitled "An act to provide for retirement of State employes, permanently disqualified by reason of physical or mental disability to perform their official functions and duties, with half pay, under certain conditions, during the remainder of their lives, except State employes whose retirement has been or shall be otherwise provided for, and the filling of vacancies caused by such retirement," which reads as follows:—

"Section 1. Be it enacted, &c., That, from and after the first day of September, Anno Domini one thousand nine hundred and fifteen, whenever the Governor is of opinion, based upon satisfactory medical evidence, that a State employe is, by reason of physical or mental disability, permanently incapacitated for performing his regular official duties, except State employes whose retirement has been or shall be otherwise provided for, he shall notify said employe of his opinion, giving the reasons therefor; and if the said employe shall resign within thirty days after such notice, and shall have served continuously in office as such a State employe for twenty-five years or more, or who shall have reached the age of seventy years, and shall have served continuously in office as such a State employe for twenty years or more, and shall hold himself in readiness to perform special duties, in such ways as he may be reasonably able to do after his honorable retirement from office by resignation; he shall receive during the remainder of his life, or during the continuance of such disability or incapacity, one-half of the salary which he would have received had he remained in active service," be, and the same is hereby, amended to read as follows:—

Section 1. Be it enacted, &c., That, from and after the first day of September, Anno Domini one thousand nine hundred and fifteen, whenever the Governor is of opinion, based upon satisfactory medical evidence, that a State employe is, by reason of physical or mental disability, permanently incapacitated for performing his regular official duties, except State employes whose retirement has been or shall be otherwise provided for, he shall notify said employe of his opinion, giving the reasons therefor; and if the said employe shall resign within thirty days after such notice, and shall have served continuously in office as such a State employe for twenty-five years or more, or who shall have reached the age of seventy years, and shall have served continuously in office as such a State employe for twenty years or more, and shall hold himself in readiness to perform special duties, in such ways as he may be reasonably able to do after his honorable retirement from office by resignation; he shall receive

during the remainder of his life, or during the continuance of such disability or incapacity, one-half of the salary which he would have received had he remained in active service.

The words "State employe" shall include officers in departments of the State government serving by appointment for stated terms.

The words "continuously in office" shall include the cases where the period of service required by this act is made up by service under consecutive appointments to office or employments in the service of the State, and in the same or different offices or employments.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 19, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House bill No. 1360, entitled "An act to amend section one of an act, approved the fourteenth day of June, one thousand nine hundred fifteen, entitled 'An act to provide for retirement of State employes, permanently disqualified by reason of physical or mental disability to perform their official functions and duties, with half pay, under certain conditions, during the remainder of their lives, except State employes whose retirement has been or shall be otherwise provided for, and the filling of vacancies caused by such retirement.'"

The bill is an amendment to the act of June 14, 1915 (P. L. 73), relating to retirement of State employes. This same section was amended by Senate bill 266 (act No. 194), of this session. This is a good example of piecemeal legislation. Like Senate bill 1714 it seeks to do what has already been done. To approve this would be to repeal act No. 194, nor can this be approved without approving Senate bill 1714, and if Senate bill 1714 were approved this bill would first have to be approved. It is an example of the hopelessness of present legislative procedure; and, since the act of 1915 is in the main a good act, and the amendment made by the act No. 194 of this session, it would confuse and defeat the purposes of the original act to give this approval.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 154.

AN ACT

Providing that, whenever the charter of any borough is annulled, the territory embraced within the borough whose charter is annulled shall become a township and be subject to the laws governing townships in this Commonwealth, and authorizing the court to designate the name of such township.

Section 1. Be it enacted, &c., That whenever hereafter the charter of any borough in this Commonwealth is annulled, the territory embraced within the borough whose charter is annulled shall thereupon become a township, and shall be subject to all the laws of this Commonwealth governing townships, and the court in its decree annulling such charter shall designate the name of such township.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 19, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House bill No. 988, entitled "An act providing that, whenever the charter of any borough is annulled, the territory embraced within the borough whose charter is annulled shall become a township, and be subject to the laws governing townships in this Commonwealth, and authorizing the court to designate the name of such townships."

The bill provides that, when the charter of a borough is annulled, the territories embraced within such borough shall thereupon become subject to the laws governing townships. This is now the law. Where else does such territory fall? The Borough Code recently passed and approved is ample in its provisions to cover the case, and the law now fully covers the case. This bill is wholly unnecessary.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 155.

AN ACT

Providing for vacating part or parts of any abandoned or condemned turnpike forming part of a State highway route, where the course of said route has been diverted, leaving such part or parts of said turnpike outside the limits thereof; and providing, upon such vacation, the same shall become township roads.

Section 1. Be it enacted, &c., That when any abandoned or condemned turnpike, not exceeding one-half mile in length, in any of the counties of this Commonwealth has become, or shall hereafter become, a part of any State highway route, under any act of Assembly now in force or hereafter to be passed, and the State Highway Commissioner has heretofore diverted, or shall hereafter divert, the course of said route and leave any part or parts of such turnpike outside the limits thereof, such part or parts of such turnpike may be, by the court of quarter sessions of the proper county, upon petition of the county commissioners and with the approval of the grand jury, vacated as a county road; and thereupon the same shall become and be a township road, and shall be maintained by the proper township.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 19, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House bill No. 950, entitled "An act providing for vacating part or parts of any abandoned or condemned turnpike forming part of a State highway route, where the course of said

route has been diverted, leaving such part or parts of said turnpike outside the limits thereof; and providing, upon such vacation, the same shall become township roads."

This bill provides that when a State highway is by law diverted from the bed of an abandoned or condemned turnpike, for a distance not exceeding one-half mile, such part may, upon petition of the county commissioners, and with approval of the grand jury, be vacated as a county road, and shall then be a township road, and, as such, maintained by the township concerned.

There has been a shifting of responsibility for the care and upkeep of abandoned or condemned turnpikes when they are not made part of a State highway. Until 1905 they were under the care of townships. In 1905 they were placed under the care of counties. In 1909 their care was shifted again to the townships. In 1911 their care was again shifted upon the counties, and this bill would again shift part of them to the townships. There is no apparent reason why a strip half a mile long, or less, should be treated other than as longer strips. The present law was passed upon by the courts in the case of Somerset Township vs. Somerset County, and the present act was declared constitutional. Since at last this restless situation has been stilled and this ghost is laid, it is wise to let it so remain.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 156.

AN ACT

To further amend sections twenty-four hundred and one, twenty-four hundred and two, and twenty-four hundred and three of an act, approved the eighteenth day of May, one thousand nine hundred and eleven, entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended.

Section 1. Be it enacted, &c., That sections twenty-four hundred and one, twenty-four hundred and two, and twenty-four hundred and three of an act, approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws, three hundred and nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," which, as amended by an act approved the twenty-first day of April, one thousand nine hundred and fifteen (Pamphlet Laws, one hundred and sixty-two), entitled "An act to amend an act, approved the eighteenth day of May, one thousand nine hundred eleven, entitled "An act to establish a public school sys-

tem in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," reads as follows:—

"Section 2401. The board of school directors of any district in this Commonwealth is hereby authorized and empowered to establish, contribute to, and administer as herein provided a teachers' retirement fund. The said fund shall consist of all funds available for like purposes in said district at the time of the enactment of this law, together with such additions thereto as the board of school directors may, from time to time, appropriate for that purpose from the funds of the district, and such moneys or other property as may be donated, bequeathed, devised, or received from any other source for such purpose.

"The board of school directors of any district of the first class is hereby authorized and empowered to establish, contribute to, and administer as therein provided, in addition to the foregoing fund, an employe's retirement fund. This fund shall consist of all funds available for like purposes in said district at the time of the enactment of this act, together with such additions thereto as the board of school directors may, from time to time, appropriate for that purpose from the funds of the district, and such real or personal property as may be donated, bequeathed, devised, or received from any other source for such purpose.

"Section 2402. The board of school directors of any district may provide, in the contracts with its teachers, principals, or supervising officials, that they shall contribute a reasonable sum from their salaries each year to said retirement fund: Provided, That no person shall be required to contribute any part of his salary to any retirement fund, unless the same is provided for in the contract by which he is engaged.

"The board of school directors of any district of the first class may provide, in the contracts with its employes, that they shall contribute a reasonable sum from their salaries each year to said retirement fund. No employe shall be required to contribute any part of his salary to the retirement fund, unless the same is provided for in the agreement by which he is engaged.

"Section 2403. Where the teachers, principals, or supervising officials of any district contribute to any retirement fund, they shall be represented in making the regulation governing it, and in its control and management.

"When employes of any school in districts of the first class contribute to a retirement fund, they shall be represented in making the regulations governing it, and in its control and management," be, and the same are hereby, further amended to read as follows:—

Section 2401. The board of school directors of any district in this Commonwealth is hereby authorized and empowered to establish, contribute to, and administer as herein provided a teachers' retirement fund. The said fund shall consist of all funds available for like purposes in said district at the time of the enactment of this law, together with such additions thereto as the board of school

directors may, from time to time, appropriate for that purpose from the funds of the district, and such moneys or other property as may be donated, bequeathed, devised, or received from any other source for such purpose.

The board of school directors of any district of the first or second class is hereby authorized and empowered to establish, contribute to, and administer as therein provided, in addition to the foregoing fund, an employe's retirement fund. This fund shall consist of all funds available for like purposes in said district at the time of the enactment of this act, together with such additions thereto as the board of school directors may, from time to time, appropriate for that purpose from the funds of the district, and such real or personal property as may be donated, bequeathed, devised, or received from any other source for such purpose.

Section 2402. The board of school directors of any district may provide, in the contracts with its teachers, principals, or supervising officials, that they shall contribute a reasonable sum for their salaries each year to said retirement fund: Provided, That no person shall be required to contribute any part of his salary to any retirement fund, unless the same is provided for in the contract by which he is engaged.

The board of school directors of any district of the first or second class may provide, in the contracts with its employes, that they shall contribute a reasonable sum from their salaries each year to said retirement fund. No employe shall be required to contribute any part of his salary to the retirement fund, unless the same is provided for in the agreement by which he is engaged.

Section 2403. Where the teachers, principals, or supervising officials of any district contribute to any retirement fund, they shall be represented in making the regulations governing it, and in its control and management.

When employes of any school in districts of the first or second class contribute to a retirement fund, they shall be represented in making the regulations governing it, and in its control and management.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 19, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objection, House bill No. 745, entitled "An act to further amend sections twenty-four hundred and one, twenty-four hundred and two, and twenty-four hundred and three of an act, approved the eighteenth day of May, one thousand nine hundred and eleven, entitled 'An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith,' as amended."

This bill is an amendment to the School Code of 1911 (P. L. 309). It extends the provisions in relation to retirement funds for teachers to school districts of the second class. The code provides only for school districts of the first class.

The whole subject of retirement funds for teachers in all school districts is amply covered by Senate bill No. 237, which I have approved. This bill is therefore unnecessary. It would, if now signed, exclude from the more generous provisions of the general act the very teachers this bill seeks to aid.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 157.

AN ACT

Validating certain elections of counties, cities, boroughs, townships, school districts, and other incorporated districts held pursuant to the provisions of an act, approved the twentieth day of April, one thousand eight hundred seventy-four, entitled "An act to regulate the manner of increasing the indebtedness of municipalities, to provide for the redemption of the same, and to impose penalties for the illegal increase thereof," and the amendments thereof and supplements thereto, and validating bonds issued or authorized to be issued in pursuance of such elections.

Section 1. Be it enacted, &c., That all elections heretofore held in any county, city, borough, township, school district, or other municipality or incorporated district, within this Commonwealth, to increase its indebtedness, under the provisions of an act, entitled "An act to regulate the manner of increasing the indebtedness of municipalities, to provide for the redemption of the same, and to impose penalties for the illegal increase thereof," approved the twentieth day of April, one thousand eight hundred seventy-four, and under the acts amendatory thereof and supplementary thereto, where a majority of votes cast at such election was in favor of the increase of indebtedness, be, and the same are hereby, ratified, confirmed, and made valid, notwithstanding that such ballots were not printed on white paper or on the official ballots after the lists of candidates; or were not attached to a stub or counterfoil and bound in books; or where, on the back of each ballot, there was not printed the caption "Official Ballot For," followed by the designation of the voting place or the date of election and a facsimile signature of the county commissioners; or such ballots were not labelled on the outside "Increase of Debt," and on the inside "No Increase of Debt" or "Debt May Be Incurred;" or the tickets received, counted, and a full, complete and proper return thereof was not made to the clerk of the court of quarter sessions of the proper county, duly certified as is required by law, together with a certified copy of the ordinance and the advertisement; or the said clerk shall not have made a record of the same and furnished a certified copy thereof, under seal, showing the result of such official count, to the corporate authorities of such municipality, or the same shall not have been placed of record upon the minutes thereof.

All such bonds, issued or to be issued in pursuance of every such election, are hereby made valid, binding obligations of every such county, city, borough, township, school district or incorporated district: Provided, All other requirements of the law concerning such elections and issue of bonds have been complied with: And provided further, The provisions of this act shall not apply in any instance where the validity of such election, or of any issue of bonds or other security based thereon, has been already made the subject of litigation in any court of this Commonwealth.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 19, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House bill No. 584, entitled "An act validating certain elections of counties, cities, boroughs, townships, school districts, and other incorporated districts, held pursuant to the provisions of an act, approved the twentieth day of April, one thousand eight hundred seventy-four, entitled 'An act to regulate the manner of increasing the indebtedness of municipalities, to provide for the redemption of the same, and to impose penalties for the illegal increase thereof,' and the amendments thereof and supplements thereto, and validating bonds issued or authorized to be issued in pursuance of such elections."

In my veto of Senate bill No. 157, I have set forth my reasons for not approving this and like bills. The statements there made are intended to apply here. It is a strange situation to consider how an Assembly would enact at least three measures of like import, and all of them enacted in total disregard of an act approved May 14, 1915 (P. L. 473).

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 158.

AN ACT

To amend an act, approved the twentieth day of April, one thousand nine hundred five, entitled "An act amending section two of an act, entitled 'A supplement to the twenty-fourth section of an act, entitled 'A further supplement to an act to provide revenue by taxation, approved the seventh day of June, one thousand eight hundred and seventy-nine,' approved the first day of June, one thousand eight hundred and eighty-nine, amending the twenty-fourth section by providing for the payment by the State Treasurer of one-half of the two per centum tax on premiums paid by foreign fire insurance companies to the treasurers of the several cities and boroughs within this Commonwealth,' approved the twenty-eighth day of June, one thousand eight hundred and ninety-five; providing for the extension of the provisions of this act to townships of the first class;" by providing for the extension of the provisions of this act to towns and townships of the second class, and fixing the method by which the amount to be paid to cities, boroughs, towns, and townships shall be determined.

Section 1. Be it enacted, &c., That so much of section one of an act, approved the twentieth day of April, one thousand nine hundred

and five (Pamphlet Laws, two hundred twenty-nine), entitled "An act amending section two of an act, entitled 'A supplement to the twenty-fourth section of an act, entitled 'A further supplement to an act to provide revenue by taxation, approved the seventh day of June, one thousand eight hundred and seventy-nine,' approved the first day of June, one thousand eight hundred and eighty-nine, amending the twenty-fourth section by providing for the payment by the State Treasurer of one-half of the two per centum tax on premiums paid by foreign fire insurance companies to the treasurers of the several cities and boroughs within this Commonwealth,' approved the twenty-eighth day of June, one thousand eight hundred and ninety-five; providing for the extension of the provisions of this act to townships of the first class," which reads as follows:—

"Section 2. On and after the first day of January, one thousand nine hundred and six, and annually thereafter, there shall be paid by the State Treasurer to the treasurers of the several cities, boroughs, and townships of the first class within this Commonwealth, one-half of the net amount received from the two per centum tax paid upon premiums by foreign fire insurance companies. The amount to be paid to each of the treasurers of the several cities, boroughs, and townships of the first class, shall be based upon the return of the said two per centum tax upon premiums, received from foreign fire insurance companies doing business within the said cities, boroughs, and townships of the first class, as is shown by the Insurance Commissioner's report. Warrants for the above purpose shall be drawn by the Auditor General, payable to the treasurers of the several cities, boroughs, and townships of the first class, in accordance with this act, whenever there are sufficient funds in the State Treasury to pay the same," is hereby amended to read as follows:—

Section 2. On and after the first day of January, one thousand nine hundred and eighteen, and annually thereafter, there shall be paid by the State Treasurer to the treasurers of the several cities, boroughs, towns, and townships within this Commonwealth, one-half of the net amount received from the two per centum tax paid upon premiums by foreign fire insurance companies. The amount to be paid to each of the treasurers of the several cities, boroughs, towns, and townships, of the said two per centum tax upon premiums received from foreign fire insurance companies doing business within the said cities, boroughs, towns and townships, as is shown by the Insurance Commissioner's report, shall be determined upon the basis of the amount of insurance placed within the respective cities, boroughs, towns, and townships wherein the property insured is located. Warrants for the above purpose shall be drawn by the Auditor General, payable to the treasurers of the several cities, boroughs, towns, and townships, in accordance with this act, whenever there are sufficient funds in the State Treasury to pay the same.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 20, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House bill No. 1088, entitled, "An act to amend

an act, approved the twentieth day of April, one thousand nine hundred five, entitled 'An act amending section two of an act, entitled 'A supplement to the twenty-fourth section of an act, entitled 'A further supplement to an act to provide revenue by taxation, approved the seventh day of June, one thousand eight hundred and seventy-nine,' approved the first day of June, one thousand eight hundred and eighty-nine, amending the twenty-fourth section by providing for the payment by the State Treasurer of one-half of the two per centum tax on premiums paid by foreign fire insurance companies to the treasurers of the several cities and boroughs within this Commonwealth,' approved the twenty-eighth day of June, one thousand eight hundred and ninety-five; providing for the extension of the provisions of this act to townships of the first class;' by providing for the extension of the provisions of this act to towns and townships of the second class, and fixing the method by which the amount to be paid to cities, boroughs, towns, and townships shall be determined."

This bill adds towns and townships to the classes of municipalities to which shall be paid one-half the tax on foreign insurance companies. The purpose is to distribute this fund throughout—to all municipal units—on the basis of the amount of insurance placed therein. This is a correct principle where no other factors enter. But in this case there are other factors of moment. The fund above-cited is given to the cities and boroughs for the purpose of supporting firemen's relief associations. These associations are so worthy that this Assembly undertook to double the fund to them to the hurt of the State Insurance Fund. I was obliged to veto the bill to save the State from loss in case of fire at any of the State property carried in the State fund. It was then decided by the Assembly to give \$100,000 outright to these associations. This was done to make amends for the failure of the Assembly to provide by some form of taxation for this fund.

This bill would dissipate the fund to the firemen's relief. It would give each township so small a sum as to be negligible, but it seriously impairs the resources of this relief work among volunteer firemen. The president of the State Firemen's Association has urged disapproval hereof. Why, when the extraordinary procedure of special appropriation is resorted to, should the same body impair and lessen the fund now too small and now demanding supplemental aid?

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 159.

AN ACT

Fixing the compensation of auditors in townships of the second class.

Section 1. Be it enacted, &c., That the compensation of each auditor, in townships of the second class, shall be three dollars per diem for each day necessarily employed in the duties of his office.

Section 2. All acts or parts of acts inconsistent herewith are hereby repealed, but this act shall not repeal any local or special law authorizing the payment of a greater compensation than provided herein.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 20, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objection, House bill No. 590, entitled "An act fixing the compensation of auditors in townships of the second class."

This bill relates to the compensation of auditors in townships of the second class. House bill No. 682, known as the Township Code, was passed and approved. It fixes the compensation of auditors in all townships at two dollars per day. This bill fixes the compensation of auditors in townships of the second class at three dollars per day. Why should the compensation in one class of townships be more or less than the compensation in the other class? Why begin to amend a complete code before it is printed? This legislation should never have been passed. Its proponent should have endeavored to amend the code in passage. Failing to do this or indifference to the code's provisions causes the bill to fall.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 160.

AN ACT

To repeal an act approved the first day of June, one thousand nine hundred and eleven, entitled "An act to tax traction-engines, and providing that the same shall be assessed, by the several assessors of the counties of this Commonwealth, in the same manner as other articles of personal estate liable for taxation are assessed."

Section 1. Be it enacted, &c., That the act approved the first day of June, one thousand nine hundred and eleven (Pamphlet Laws, five hundred and forty-two), entitled "An act to tax traction-engines, and providing that the same shall be assessed, by the several assessors of the counties of this Commonwealth in the same manner as other articles of personal estate liable for taxation are assessed," be, and the same is hereby, repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 20, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House bill No. 1320, entitled "An act to repeal an act, approved the first day of June, one thousand nine hundred and eleven, entitled 'An act to tax traction-engines, and providing that the same shall be assessed, by the several assessors of the counties of this Commonwealth, in the same manner as other articles of personal estate liable for taxation are assessed,'"

This bill repeals the act of June 1, 1911, requiring assessors to assess at their fair cash value, in the same manner as other personal estate, traction-engines.

These engines are operated largely for hire. They are as much a subject of taxation as other personal effects, and there is no reason why they should be exempted. The claim that they are doubly taxed—paying a license to operate on the highways—is specious.

The license fee is for use of the highway, not for the general revenue derived from personal effects. Were these engines not used on the highways at all, no license fee would be required. They use the highway, often at heavy cost, and the license they pay is a fair charge upon them—just as is the case in automobiles, &c.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 161.

AN ACT

To amend section ten of an act, approved the tenth day of June, one thousand eight hundred ninety-three, entitled "An act to regulate the nomination and election of public officers, requiring certain expenses incident thereto to be paid by the several counties, and punishing certain offenses in regard to such elections," as amended.

Section 1. Be it enacted, &c., That the tenth section of an act, entitled "An act to regulate the nomination and election of public officers, requiring certain expenses incident thereto to be paid by the several counties, and punishing certain offenses in regard to such elections," approved the tenth day of June, one thousand eight hundred ninety-three, and amended by an act approved the twenty-sixth day of June, one thousand eight hundred ninety-five, which reads as follows:—

"Section 10. It shall be the duty of the sheriff of every county at least ten days before any general election to be held therein, except borough and township elections, to give notice of the same by advertisements in at least three newspapers, if there be so many published in the county,—two of said newspapers representing, so far as practicable, the political party which at the preceding November election cast the largest number of votes, and the other one of the said newspapers representing, so far as practicable, the political party which at the preceding November election cast the next largest number of votes; and, in addition thereto, the sheriff of every county shall, at least ten days before any general election to be held in cities of the first, second, and third classes, give notice of the same by proclamation posted up in the most conspicuous places in every election district in said cities of the first, second, and third class; and in every such advertisement or proclamation—

"I. Enumerate the officers to be elected and give a list of all the nominations made as provided in this act and to be voted for in such county, and the full text of all constitutional amendments submitted

to a vote of the people; but the proclamation posted in each election district need not contain the names of any candidates but those to be voted for in such district.

"II. Designate the place at which the election is to be held.

"III. He shall give notice that every person, excepting justices of the peace, who shall hold any office or appointment of profit or trust under the government of the United States, or of this State, or of any city or incorporated district, whether a commissioned officer or otherwise, a subordinate officer or agent, who is or shall be employed under the legislative, executive, or judiciary department of this State, or of the United States, or of any city or incorporated district, and also that every member of Congress and of the State Legislature, and of the select or common council of any city, or commissioners of any incorporated district, is, by law, incapable of holding or exercising at the same time the office or appointment of judge, inspector, or clerk of any election of this Commonwealth, and that no inspector, judge, or other officer of any such election shall be eligible to any office to be then voted for, except that of an election officer," be, and the same is hereby, amended to read:—

Section 10. It shall be the duty of the sheriff of every county, at least ten days before any general election to be held therein, except borough and township elections, to give notice of the same by advertisements in at least three newspapers, if there be so many published in the county, two of said newspapers representing, so far as practicable, the political party which at the preceding November election cast the largest number of votes, and the other one of said newspapers representing, so far as practicable, the political party which at the preceding November election cast the next largest number of votes; and, in addition thereto, the sheriff of every county shall, at least ten days before any general election to be held in cities of the first, second, and third classes, give notice of the same by proclamation, posted up in the most conspicuous places in every election district in said cities of the first, second, and third class; and in every such advertisement or proclamation—

I. Enumerate the officers to be elected, and give a list of all the nominations made as provided in this act and to be voted for in such county, and the full text of all constitutional amendments submitted to a vote of the people; but the proclamation posted in each election district need not contain the names of any candidates but those to be voted for in such district.

II. Designate the place at which the election is to be held.

III. He shall give notice that every person, excepting justices of the peace, who shall hold any office or appointment of profit or trust under the government of the United States, or of this State, or of any city, whether a commissioned officer or otherwise, a subordinate officer or agent who is or shall be employed under the legislative, executive, or judiciary department of this State, or of the United States, or of any city, and also that every member of Congress and of the State Legislature, and of the select or common council of any city, is, by law, incapable of holding or exercising at the same time the office or appointment of judge, inspector, or clerk of any election of this Commonwealth; and that no inspector, judge, or other officer of any such election shall be eligible to any office to be then voted for, except that of an election officer.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 20, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House bill No. 1538, entitled, "An act to amend section ten of an act, approved the tenth day of June, one thousand eight hundred ninety-three, entitled 'An act to regulate the nomination and election of public officers, requiring certain expenses incident thereto to be paid by the several counties, and punishing certain offenses in regard to such elections,' as amended."

This bill is a proposed amendment to section 10 of the act of June 10, 1893 (P. L. 419), relating to the incompatibility of certain public offices, &c. This proposed act seeks to remove the incompatibility so far as it relates to officials of "incorporated districts." Why the officials of incorporated districts should not be subject to the same theory of public policy as the officials of any other unit of government is not manifest. Why make fish of one and flesh of another? Why should one man wear the insignia of duplicate offices, and not another? This is special legislation without a single token of reason. It would, moreover, add, to the already over-complex legal government of men, one more mystery. There are enough now.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 162.

AN ACT

Authorizing and empowering township supervisors, in townships of the second class, to enter into a contract with certain adjoining municipalities for connecting with their sewer-systems the sewer-systems of the township and of the private individuals, and to provide for a collection of funds for that purpose by levying taxes upon the owners of property in the district benefited.

Section 1. Be it enacted &c., That the township supervisors of any township of the second class in this Commonwealth are hereby authorized and empowered, on the petition of the owners of a majority of the lineal feet frontage along any highway, or portion thereof, in any village within said township, to contract with any adjoining municipality, owning a sewer-system for connecting with its sewer-system, sewer-system of the township or of private individuals, at or near the boundary thereof.

Section 2. The township supervisors shall levy, for maintenance and payment of said connection of said sewer, an annual tax upon the property abutting on the said streets, highways, and other public places in the district benefited thereby, based upon the assessment for the county purposes; said taxes shall become a lien against said property, to the same extent and with the same effect as other liens for taxes now authorized by law, and shall be collected in the same manner as other taxes; the collector of taxes to receive the same commission as on the road taxes: Provided, That no taxes, as herein

provided, shall be levied against any farm land ; nor shall any property be assessed hereunder, or included in the provisions hereof, unless the residence thereon shall be within one hundred feet of such highway.

Section 3. The township treasurer shall receive all taxes collected for said purpose, shall keep the same in a separate account, and pay out the same only on orders signed by the chairman of the township supervisors, attested by the secretary, and shall make a report to the auditors of the township annually.

Section 4. All acts and parts of acts inconsistent with this act are repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 20, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House bill No. 1705, entitled "An act authorizing and empowering township supervisors, in townships of the second class, to enter into a contract with certain adjoining municipalities for connecting with their sewer-systems the sewer-systems of the township and of the private individuals, and to provide for a collection of funds for that purpose by levying taxes upon the owners of property in the district benefited."

This bill authorizes township supervisors, in townships of the second class, upon petition of a majority feet-frontage owners on any highway in any village, to contract with an adjoining municipality to connect its sewer-system with that of the township designated, or of private individuals. And it authorizes the levying of a tax to pay cost and maintenance of such sewer.

There is perhaps, in some place unknown to me, a special situation that this bill seeks to reach. Its proponent has not given me any information on the matter. The bill ought not to be approved as a general law, because—

(1) There are no sewer-systems in townships of the second class, nor is there any law save the new Township Code that applies.

(2) There is no reason why township supervisors should take care of private sewers.

(3) There is no provision as to how or under what circumstances sewer connection shall be made. The terminal sewer may be overloaded or the treatment plant too small to care for this additional service.

(4) One citizen owning a majority of the lineal feet front could empty his sewage into the terminal sewer and collect for maintenance from the other property owners on same street.

(5) There is no limit to the sum that might be contracted for.

(6) If private sewers do not happen to reach to the mains of a municipal sewer, there is no provision under which the connecting link could be constructed.

Thus the bill is defective and will cause confusion and litigation. The State Board of Health is abundantly equipped to conserve the health of the people, and this measure would not do so.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 163.

AN ACT

Authorizing the recording of all instruments of writing affecting title to real estate, and validating all such records made prior to the passage of this act.

Section 1. Be it enacted, &c., That all instruments of writing affecting title to any real estate in this Commonwealth, when such instruments are properly acknowledged or proved as deeds and mortgages are now required by law to be acknowledged or proved may be recorded in the office for recording of deeds in the county where the lands lie.

Section 2. The recording of all such instruments (not otherwise authorized by law) prior to the passage of this act is hereby validated.

Section 3. The records of all such instruments of writing, or exemplifications of such records, duly certified, shall be legal evidence in all cases in which the original would be competent evidence.

Section 4. This act shall not apply to any case which has been heretofore judicially decided, or in which an action is now pending.

Section 5. All acts or parts of acts inconsistent herewith are hereby repealed, in so far as they conflict with the provisions of this act.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 20, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House bill No. 1709, entitled "An act authorizing the recording of all instruments of writing affecting title to real estate, and validating all such records made prior to the passage of this act."

This is a validating act in reference to the recording of all instruments of writing affecting title to real estate made heretofore. It is difficult to understand the purpose of this bill. The present law is precisely what this bill would have it to be. The law affecting the case is found in *Brotherton vs Livingston*, 3 Watts and Sargeant, p. 334. The bill, therefore, seeks to do what is already done.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 164.

AN ACT

Providing for the entry, upon the margin of the record of any mortgage, of all assignments, releases, extension of time of payment, changes in the terms thereof, or other agreements affecting same, and validating all such entries heretofore made.

Section 1. Be it enacted, &c., That, from and after the passage of this act, in all cases where a mortgage has been or shall hereafter be recorded in the recorder's office of any county in this Common-

wealth, it shall be lawful for the mortgagee or mortgagees, his, her, or their respective executors, administrators, or assignees, to enter, upon the margin of the record of said mortgage, any assignments of said mortgage, or releases of any part or parts of the mortgaged premises, or any postponement of the lien thereof, or any extension of the time of payment or changes in the terms thereof, or any agreements or stipulations affecting or concerning the said mortgage.

Section 2. All such entries made on the margin of the record of any mortgage prior to the passage of this act are hereby validated.

Section 3. All such entries on the margin of the record of said mortgages, when duly attested, shall be legal evidence in all cases, and exemplifications thereof, duly certified, shall be legal evidence in all cases where the original would be competent evidence.

Section 4. This act shall not apply to any case which has been heretofore judicially decided, or in which an action is now pending.

Section 5. All acts or parts of acts inconsistent herewith are hereby repealed, in so far as they conflict with the provisions of this act.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 20, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House bill No. 1710, entitled "An act providing for the entry, upon the margin of the record of any mortgage, of all assignments, releases, extension of time of payment, changes in the terms thereof, or other agreements affecting same, and validating all such entries heretofore made."

This bill adds to existing law a new subject, namely, "other agreements" that may be placed on the margin of the record of any mortgage. It authorizes the mortgagee to make such entry. It apparently authorizes one of two parties in interest—the mortgagee—physically to make the entry. Only the recorder should make such entry.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 165.

AN ACT

To establish as a State highway a certain section of public road in the county of Beaver and the county of Washington.

Section 1. Be it enacted, &c., That a certain section of public road, beginning at a point in the easterly boundry line between the county of Beaver and the county of Allegheny, at the end of the improved road leading to the village of Clinton, Allegheny County, and running thence by way of the village of Murdocksville, in Hanover Township, Washington County, and through lands of W. W. Inglefield, Engle-

hart Armour Bubbett and others, in the township of Hanover, Beaver County, and the township of Hanover, Washington County, to the borough of Frankfort, in Beaver County, shall be adopted by this Commonwealth as a State highway, to be constructed and maintained, at the sole expense of the Commonwealth, under the provisions of the existing laws governing main highways.

Section 2. The cost and expense of the construction, improvement, and maintenance of the highway herein described shall be paid out of any moneys appropriated to the State Highway Department for the maintenance, construction, reconstruction, or improvement of State highways.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 20, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House bill No. 1800, entitled "An act to establish as a State highway a certain section of public road in the county of Beaver and the county of Washington."

This bill adds a new section of road to the State highway system. The distance is approximately nine miles and extends from Frankfort Springs, in Beaver County, through Washington County, to a dead end at Clinton, in Allegheny County. It is well known that Pennsylvania now has by far too many miles of State highways. The Legislature fails always to provide a sufficient sum to put them in good condition and keep them so. To add more miles is contrary to all good business principles, and the lawmaking body should not increase the mileage of State roads and, at the same time, fail to provide money for their maintenance. This bill is in definite opposition to my messages to the Assembly and to the judgment of all informed citizens.

Moreover, this proposed added burden of mileage terminates in what is known as a "dead end road," i. e., it does not at its terminal at Clinton connect with any other State highway. Thus, it is contrary in principle to the purpose kept in view when the present State highway system was adopted.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 166.

AN ACT

Amending section three of an act, entitled "A supplement to an act, entitled 'An act for the government of cities of the second class,' approved the seventh day of March, Anno Domini one thousand nine hundred and one; providing for the levy, collection, and disbursement of taxes and water-rents, or rates, and conferring certain powers and duties in reference thereto upon the city treasurer, the board of water assessors, and the collector of delinquent taxes; and repealing certain acts relating to matters herein provided for," approved May twelfth, one thousand nine hundred and eleven, as amended by the amendment of June fifteen, one thousand nine hundred and fifteen (Pamphlet Laws, nine hundred seventy-six).

Section 1. Be it enacted, &c., That section three of an act, approved June fifteen, one thousand nine hundred fifteen, entitled "An

act amending sections one, three, five, six, and seven of an act, entitled 'A supplement to an act, entitled "An act for the government of cities of the second class," approved the seventh day of March, Anno Domini one thousand nine hundred and one; providing for the levy, collection, and disbursement of taxes and water-rents, or rates, and conferring certain powers and duties in reference thereto upon the city treasurer, the board of water assessors and the collector of delinquent taxes; and repealing certain acts relating to matters herein provided for,' approved May twelfth, one thousand nine hundred and eleven, as amended by an amendment to the first paragraph of the third section of said act, approved May thirty-first, one thousand nine hundred and thirteen (Pamphlet Laws, three hundred and ninety)," which reads as follows:—

"Section 3. All taxes levied in accordance with the provisions of section one hereof shall be payable in advance, during the months of January, February, and March of each fiscal year. Water-rents, or rates, which are payable on a flat rate basis shall also be payable in advance, during the same months. The taxpayers shall also have the option to elect to pay the aforesaid taxes and water-rents, or rates, quarterly, as follows—namely: The first quarterly payment, during the month of January; the second quarterly payment, during the month of April; the third quarterly payment, during the month of July; and the fourth quarterly payment, during the month of October; and each of the said quarterly payments shall become delinquent on the first of each succeeding month, and shall thereafter bear the same penalties and interest charges as herein-after provided for delinquent taxes. Water which is supplied to consumers on a metered basis shall be payable at such time or times as may be prescribed by ordinance. The city shall have power to prescribe by ordinance the time or times at which meters shall be read, the terms and conditions on which water will be supplied on a metered service, and the time or times on which payment for such water shall be made. It shall also have the power to prescribe the discounts, if any, which shall be allowed for prompt payment; and the penalties, if any, which may be imposed for delayed payments; and also to provide for a minimum rate or rates for meter service for all classes of users of water, including both domestic and commercial. In the absence of any provision by ordinance in reference to the same, the board of water assessors shall read all meters not less than four times per year; and shall read all meters during the months of October and November of each year, and ascertain the amount of water used in each year, as shown by said meters, for the preceding twelve months, or as near thereto as may be convenient; and shall assess the water-rents, or rates, for the water consumed, at the rates fixed from time to time by ordinance, and the same shall be payable annually during the months of January, February, and March of each succeeding year.

"A discount of two per centum shall be allowed on all taxes or water-rents, or rates, due under the provisions of this act and paid during the month of January. During the months of February and March all taxes and water-rents, or rates, shall be payable at face, all of said payments to be made to the city treasurer, at his office and at such other place as may be designated by the city treasurer, and in

case said taxes or water-rents, or rates, be not paid at the times fixed for the payment of the same, said taxes and water-rents, or rates, shall be deemed delinquent, and shall be placed in the hands of the collector of delinquent taxes for collection; and two per centum of the total amount of said taxes and water-rents, or rates, shall forthwith be added to said delinquent taxes and water-rents, or rates, as a penalty for the nonpayment thereof at the times herein prescribed; and, in addition to said penalty, said delinquent taxes and water-rents, or rates, shall bear interest at the rate of one-half per centum per month on the face amount of said delinquent taxes and water-rents, or rates, for each and every month or part thereof, that the same shall remain delinquent and unpaid.

"Said city shall have the right, as heretofore, to charge all consumers of water for water furnished by said city, and also to make such exemptions or reductions of rates, as may be fixed by ordinance, to any public charity, school, religious institution, and kindred institution, and, for said purposes, to have and possess all of the rights in respect to the collection of said rents, or rates, as are now in force or may hereafter be enacted.

"Said city shall have the further right to shut off the supply of water to any premises, at any time, upon the nonpayment of the water-rents, or rates, levied and assessed for water supplied thereto, as and when the same becomes due and payable," be, and the same is hereby, amended to read as follows:—

Section 3. All taxes levied in accordance with the provisions of section one hereof shall be payable in advance, during the months of January, February, and March of each fiscal year. Water-rents, or rates, which are payable on the flat rate basis shall also be payable in advance, during the same months. The taxpayers shall also have the option to elect to pay the aforesaid taxes or water-rents, or rates, quarterly, as follows—viz:

The first quarterly payment, during the months of January, February, and March; the second quarterly payment, during the month of April; the third quarterly payment, during the month of July; and the fourth quarterly payment, during the month of October. The first quarterly payment shall become delinquent if not paid on or before the thirty-first of March, the second quarterly payment shall become delinquent if not paid on or before the thirtieth of April, the third quarterly payment shall become delinquent if not paid on or before the thirty-first of July, and the fourth quarterly payment shall become delinquent if not paid on or before the thirty-first of October; and the said quarterly payments shall, when delinquent, in each respective instance, bear the same penalties and interest charges as hereinafter provided for delinquent taxes. Quarterly payments made at any of the respective times hereinbefore provided shall be payable at face, except the first quarterly payment, which, if made during the month of January, shall be paid at a discount of two per centum. Water which is supplied to consumers on a metered basis shall be payable at such time or times as may be prescribed by ordinance.

The city shall have power to prescribe by ordinance the time or times at which meters shall be read, the terms and conditions on which water will be supplied on a metered service, and the time or times on which

payment for such water shall be made. It shall also have the power to prescribe the discounts, if any, which shall be allowed for prompt payment; and the penalties, if any, which may be imposed for delayed payments; and also to provide for a minimum rate or rates for meter service for all classes of users of water, including both domestic and commercial. In the absence of any provision by ordinance in reference to the same, the board of water assessors shall read all meters not less than four times per year; and shall read all meters during the months of October and November of each year, and ascertain the amount of water used in each year, as shown by said meters, for the preceding twelve months or as near thereto as may be convenient; and shall assess the water-rents, or rates, for the water consumed, at the rates fixed from time to time by ordinance, and the same shall be payable annually during the months of January, February, and March of each succeeding year.

A discount of two per centum shall be allowed on all taxes or water-rents, or rates, due under the provisions of this act and paid during the month of January. During the months of February and March all taxes and water-rents, or rates, shall be payable at face, all of said payments to be made to the city treasurer, at his office and at such other place as may be designated by the city treasurer, and in case said taxes or water-rents, or rates, be not paid at the times fixed for the payment of the same, said taxes and water-rents, or rates, shall be deemed delinquent, and shall be placed in the hands of the collector of delinquent taxes for collection; and two per centum of the total amount of said taxes and water-rents, or rates, shall forthwith be added to said delinquent taxes and water-rents, or rates, as a penalty for the nonpayment thereof at the times herein prescribed; and, in addition to said penalty, said delinquent taxes and water-rents, or rates, shall bear interest at the rate of one-half per centum per month on the face amount of said delinquent taxes and water-rents, or rates, for each and every month or part thereof, that the same shall remain delinquent and unpaid.

Said city shall have the right, as heretofore, to charge all consumers of water for water furnished by said city, and also to make such exemptions or reductions of rates, as may be fixed by ordinance, to any public charity, school, religious institution, and kindred institution, and for said purposes, to have and possess all of the rights in respect to the collection of said rents, or rates, as are now in force or may hereafter be enacted.

Said city shall have the further right to shut off the supply of water at any premises at any time, upon the nonpayment of the water-rents, or rates, levied and assessed for water supplied thereto, as and when the same becomes due and payable.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 20, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate bill No. 1058, entitled "An act amending section three of an act, entitled 'A supplement to an act, entitled 'An act for the government of cities of the second class,' approved

the seventh day of March, Anno Domini one thousand nine hundred and one; providing for the levy, collection, and disbursement of taxes and water-rents, or rates, and conferring certain powers and duties in reference thereto upon the city treasurer, the board of water assessors, and the collector of delinquent taxes; and repealing certain acts relating to matters herein provided for,' approved May twelfth, one thousand nine hundred and eleven, as amended by the amendment of June fifteen, one thousand nine hundred and fifteen Pamphlet Laws, nine hundred seventy-six)."

This bill is identical in language and purpose with House bill No. 1325, upon which I have already acted. This bill, therefore, serves no purpose beyond again giving evidence of the carelessness that prevails in legislative procedure. It has no other value.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 167.

AN ACT

To amend section one of an act, approved the twenty-fourth day of May, one thousand nine hundred and seventeen, entitled "An act to increase the powers of courts in proceedings for desertion and nonsupport of wives, children, or aged parents; and in proceedings for failure to comply with orders of court in fornication and bastardy proceedings, or other proceedings for the support of illegitimate children; directing that imprisonment, in such cases, be at hard labor in such institution as the court shall name; providing for the payment by such institution, or, in certain cases, by the county from which the defendant was committed, of the sum of sixty-five cents per day, to be paid to the person designated by the order of the court; providing for the issuance of attachments, and for the disbursement of moneys collected on forfeiture of bonds, bail-bonds, or recognizances; and providing for the payment by the county of the expenses incident to carrying out this act."

"Section 1. Be it enacted, &c., That whenever in any proceedings the twenty-fourth day of May, one thousand nine hundred and seventeen, entitled "An act to increase the powers of courts in proceedings for desertion and nonsupport of wives, children, or aged parents; and in proceedings for failure to comply with orders of court in fornication and bastardy proceedings, or other proceedings for the support of illegitimate children; directing that imprisonment, in such cases, be at hard labor in such institution as the court shall name; providing for the payment by such institution, or, in certain cases, by the county from which the defendant was committed, of the sum of sixty-five cents per day, to be paid to the person designated by the order of the court; providing for the issuance of attachments, and for the disbursement of moneys collected on forfeiture of bonds, bail-bonds, or recognizances; and providing for the payment by the county of the expense incident to carrying out this act," which reads as follows:—

Section 1. Be it enacted, &c., That section one of an act, approved brought against any man, wherein it is charged that he has, without reasonable cause, separated himself from his wife or children, or

from both, or has neglected to maintain his wife or children; or in any proceedings where any father of an illegitimate child has neglected to comply with the order of court made against him, in fornication and bastardy proceedings, or in any other proceedings for the support of such child, for the payment to the mother of expenses incurred at the birth of the child; or in any proceedings where any child of full age has neglected or shall neglect to maintain his or her parents, not able to work or of sufficient ability to maintain themselves, — the court having jurisdiction shall commit the defendant to imprisonment, for want of a bond with security; or, otherwise, the court may order the defendant to be imprisoned at hard labor under existing laws, or laws that may hereafter be passed, in such penal or reformatory institution in this Commonwealth as the court shall direct; or the court may discharge a defendant upon his own recognizance, in the custody of a desertion probation officer or other person, subject to such conditions as the court may, in its discretion, impose.

“Whenever any defendant shall be ordered to be imprisoned at hard labor, under the provisions of this act, there shall be paid, by the official in charge of the penal or reformatory institution in which such defendant is imprisoned, to the person designated in the order of the court as the proper recipient of such money, to be disbursed by the said recipient as the order of court may direct, the sum of sixty-five cents for each day, Sundays and legal holidays only excepted, during which he remains imprisoned. Such sum shall be paid as wages, and shall be paid at such times and in such manner as other wages are paid by cities and counties, and shall be charged as one of the general running expenses of such institution; and if the labor done in such institution is not sufficient to pay the running expenses of such institution, such sum shall be charged to and paid by the county from which such defendant was committed,” be amended to read as follows:—

Section 1. Be it enacted, &c., That whenever in any proceedings brought against any man, wherein it is charged that he has, without reasonable cause, separated himself from his wife or children, or from both, or has neglected to maintain his wife or children; or in any proceedings where any father of an illegitimate child has neglected to comply with the order of court made against him, in fornication and bastardy proceedings, or in any other proceedings for the support of such child, for the payment to the mother of expenses incurred at the birth of the child; or in any proceedings where any child of full age has neglected or shall neglect to maintain his or her parents, not able to work or of sufficient ability to maintain themselves, — the court having jurisdiction shall commit the defendant to imprisonment, for want of a bond with security; or otherwise, the court may order the defendant to be imprisoned at hard labor under existing laws, or laws that may hereafter be passed, in such penal or reformatory institution in this Commonwealth, or in any almshouse or poorhouse within the jurisdiction of the court, as the court shall direct; or the court may discharge a defendant upon his own recognizance, in the custody of a desertion probation officer or other person, subject to such conditions as the court may, in its discretion, impose.

Whenever any defendant shall be ordered to be imprisoned at hard labor, under the provisions of this act, there shall be paid, by the official in charge of the penal or reformatory institution in which such defendant is imprisoned, to the person designated in the order of the court as the proper recipient of such money, to be disbursed by the said recipient as the order of the court may direct, the sum of sixty-five cents for each day, Sundays and legal holidays only excepted, during which he remains imprisoned. Such sum shall be paid as wages, and shall be paid at such times and in such manner as other wages are paid by cities and counties, and shall be charged as one of the general running expenses of such institution; and, if the labor done in such institution is not sufficient to pay the running expenses of such institution, such sum shall be charged to and paid by the county from which such defendant was committed.

Whenever any defendant shall be ordered to be imprisoned, at hard labor, in an almshouse or poorhouse, under the provisions of this section, there shall be paid, by the proper officer in charge of such almshouse or poorhouse, to the said recipient, the sum of one dollar for each day that such defendant performs actual work in and about such almshouse or poorhouse, or the farm or farms connected therewith, to be disbursed by the said recipient as the order of court may direct.

Section 2. All laws or parts of laws inconsistent herewith are hereby repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 20, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House bill No. 1752, entitled "An act to amend section one of an act, approved the twenty-fourth day of May, one thousand nine hundred and seventeen, entitled 'An act to increase the powers of courts in proceedings for desertion and nonsupport of wives, children, or aged parents; and in proceedings for failure to comply with orders of court in fornication and bastardy proceedings or other proceedings for the support of illegitimate children; directing that imprisonment, in such cases, be at hard labor in such institution as the court shall name; providing for the payment, by such institution, or, in certain cases, by the county from which the defendant was committed, of the sum of sixty-five cents per day, to be paid to the person designated by the order of the court; providing for the issuance of attachments, and of the disbursement of moneys collected on forfeiture of bonds, bail-bonds, or recognizances; and providing for the payment by the county of the expenses incident to carrying out this act.'"

This bill amends the act of May 24, 1917 (P. L. 268), by adding almshouses and poorhouses as institutions in which a party failing to comply with the order of court in relation to the maintenance of wife, children, &c., may be committed, and provides that such committed person shall receive \$1.00 per day for his services. This sum is to be paid by court order to such persons as the court may direct. The payment to those committed to jail shall in like manner be \$0.65 per day. I can see no valid reason for this difference, nor for the fixing of any

sum by law. The court making the commitment should have power to act in each case as the circumstances warrant. This would entail an expense upon the counties which seems unfair. If a man's service is worth one dollar per day, why should he be committed to the almshouse? If he has violated the law, is not the jail the place for him?

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 168.

AN ACT

To quiet the title to real estate; and to enable citizens of the United States, and corporations authorized to hold real estate within this Commonwealth, to hold and convey title to real estate which had been held by or for any foreign corporation, either with or without the right to hold the same, and conveyed, either with or without the consent of the stockholders thereof.

Section 1. Be it enacted, &c., That where any real estate in this Commonwealth, heretofore held by or for any foreign corporation, either with or without the right to own and hold the same, has been conveyed by any such foreign corporation, either with or without the consent of the stockholders thereof, to any citizen of the United States or to any corporation authorized by the laws of this Commonwealth to hold the same, such citizen or corporation, grantee as aforesaid, shall hold and may convey an indefeasible title in the same notwithstanding any right of escheat in this Commonwealth by reason of such real estate having been sold or conveyed by or for any such foreign corporation, not authorized to hold the same by the laws of this Commonwealth, and notwithstanding that such conveyance was not authorized by the stockholders thereof: Provided, That this act shall not apply to any suit or suits now pending or to any escheat cases now in litigation.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 20, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House bill No. 1724, entitled "An act to quiet the title to real estate; and to enable citizens of the United States, and corporations authorized to hold real estate within this Commonwealth, to hold and convey title to real estate which had been held by or for any foreign corporation, either with or without the right to hold the same, and conveyed, either with or without the consent of the stockholders thereof."

This bill proposes to pass to the holder of real estate which was conveyed by a foreign corporation, not authorized to hold real estate and without the consent of its stockholders, an indefeasible title, notwithstanding any right to escheat in the Commonwealth, by reason of the real estate having been conveyed by a corporation not authorized to hold real estate and notwithstanding such conveyance was made without the consent of the stockholders.

I have been rather indulgent of validating acts when they relieve the sufferer from consequences of which he is the innocent victim. I would much rather approve some bill that would rightly punish the parties who did the illegal thing, and who, even in validating acts, are not affected. But this is validation run riot. If the stockholders did not authorize or ratify the conveyance the transfer is void—see *Elder vs. Elder*.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 169.

AN ACT

To amend section two thousand thirty-four of article twenty of an act, entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," approved the eighteenth day of May, one thousand nine hundred and eleven, by authorizing and empowering the State Board of Education to make purchases and sales of real estate for normal schools purchased by the State, and prescribing the disposition of the proceeds of any such sale.

Section 1. Be it enacted, &c., That section two thousand and thirty-four of article twenty of an act, entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," approved the eighteenth day of May, one thousand nine hundred and eleven, which reads as follows:—

"Section 2034. Upon the payment of the purchase-money to the stockholders of any such State Normal School, properly executed deeds of conveyance for all of its real estate, together with all of its other property, shall be delivered to the Commonwealth, and thereafter such State Normal School shall be owned, controlled, and maintained as a State institution.

"The corporation of any State Normal School, conveying its property to the Commonwealth as herein provided, shall then be dissolved by the stockholders thereof in the manner provided by law," is hereby amended to read as follows:—

Section 2034. Upon the payment of the purchase-money to the stockholders of any such normal school, properly executed deeds of conveyance for all of its real estate, together with all its other property, shall be delivered to the Commonwealth, and thereafter such State Normal School shall be owned, controlled, and maintained as a State institution. And the State Board of Education is hereby vested with full power and authority to purchase, in the name of the Commonwealth, for any such normal school, from the earnings

thereof, and from moneys received from the lease, grant, sale, or conveyance, hereafter in this section authorized, or from moneys specifically appropriated therefor by the Commonwealth,—any real estate deemed necessary and proper for the use of any such normal school; and to lease, grant, sell, and convey by agreement, deed, or other proper instrument of writing, the real estate of any such normal school, or any portion thereof, when it appears that the same shall be no longer needed for the use thereof, or that the interests of the Commonwealth or its citizens will be promoted thereby.

The proceeds from any such lease, grant, sale, or conveyance shall be paid direct to the State Treasurer, who shall hold such proceeds in a special fund, which fund shall be available to the State Board of Education to purchase land for the normal school whose land or part thereof was leased, granted, sold, or conveyed as hereinbefore provided, or for betterments of or repairs to the property thereof, as the State Board of Education may deem necessary. Such money shall be paid on warrants signed by the president of the State Board of Education, and itemized vouchers for all expenditures from such money shall be filed with the Auditor General. If the State Board of Education shall notify the State Treasurer that the proceeds of such lease, grant, sale, or conveyance will not be used for the purchase of real estate, as above provided, such proceeds shall then go into the general fund of the treasury.

The corporation of any State Normal School, conveying its property to the Commonwealth as herein provided, shall then be dissolved by the stockholders in the manner provided by law.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 20, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate bill No. 335, entitled "An act to amend section two thousand thirty-four of article twenty of an act, entitled 'An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith,' approved the eighteenth day of May, one thousand nine hundred and eleven, by authorizing and empowering the State Board of Education to make purchases and sales of real estate for normal schools purchased by the State, and prescribing the disposition of the proceeds of any such sale."

This bill amends section 2034 of the School Code of 1911 (P. L. 309). The purpose of the bill is to permit the State Board of Education to buy lands needed or to sell lands no longer necessary to the maintenance of a State Normal School. The immediate purpose is to allow a railroad to erect a line over the grounds of the State Normal School at Lock Haven. In doing so it is, as planned, a project that would make the State's plant practically useless. True it is that the State Board of Education has the power to conduct and regulate the sale. But the approval of the bill might carry the im-

plication of the approval of the project. The plans as given me contemplate a 20-foot trestle over part of the school grounds, and near enough to the buildings to make it difficult, if not impossible, to conduct school activities. The question is, which—the State or the railroad—should be conserved? The railroad can, I am advised, find by realignment of route a way to enter Lock Haven without destroying a valuable educational plant owned by the State, or it can by securing a new site and providing a new plant as good as the one now there, take over all the present property. I count it a very dangerous practice and precedent to approve such legislation.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 170.

AN ACT

Amending sections one and two of article fifteen of an act, entitled "An act for the government of cities of the second class," approved the seventh day of March, Anno Domini one thousand nine hundred and one, as amended by the act of May eleventh, one thousand nine hundred eleven (Pamphlet Laws, two hundred thirty-eight).

Section 1. Be it enacted, &c., That so much of section one of article fifteen, of an act, entitled "An act for the government of cities of the second class," approved the seventh day of March, Anno Domini one thousand nine hundred and one, as amended by an act approved the eleventh day of May, one thousand nine hundred and eleven (Pamphlet Laws, two hundred thirty-eight), which reads as follows:—

"Section 1. All contracts relating to city affairs shall be let to the lowest responsible bidder, after reasonable notice. When the contract exceeds five hundred dollars, such notice shall be by advertisement; when less than that amount, or when purchased at public sale, advertisement may be dispensed with. Every contract shall be let by the mayor and head of the proper department. All bids shall be filed with the city controller, and shall be opened publicly by the mayor and head of the proper department, or either of them, at a time and place to be designated in the advertisement or notice to bidders, and the figures stated to those present. No contract shall be let until councils have passed an ordinance providing for the letting of the same by the mayor and head of the proper department," be, and the same is hereby, amended to read as follows:—

Section 1. All contracts relating to city affairs shall be let to the lowest responsible bidder, after reasonable notice. When the contract exceeds five hundred (\$500.00) dollars, such notice shall be by advertising; when less than that amount, or when purchased at public sale, advertisement may be dispensed with; when the article to be purchased is completely controlled by a patent or by a monopoly, or when said article is obtainable from one source only, and no substi-

tute article is available, then the said contract may be let without advertisement and without competition, on the best terms obtainable, and, in any event, not above the customary and market price of said article. Every contract shall be let by the mayor and the head of the proper department. All bids shall be filed with the city controller, and shall be opened publicly by the mayor and head of the proper department, or either of them, at a time and place to be designated in the advertisement or notice to bidders, and the figures stated to those present. No contract shall be let until councils have passed an ordinance providing for the letting of the same by the mayor and head of the proper department.

Section 2. That section two of article fifteen of the act is hereby repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 20, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate bill No. 1060, entitled "An act amending sections one and two of article fifteen of an act, entitled 'An act for the government of cities of the second class,' approved the seventh day of March, Anno Domini one thousand nine hundred and one, as amended by the act of May eleventh, one thousand nine hundred eleven (Pamphlet Laws, two hundred thirty-eight)."

The title is defective and unconstitutional. It purports to amend sections one and two of article fifteen of the act of March 7, 1901, as amended by the act of May 11, 1911 (P. L. 238). What it really does is to amend section one and repeal section two.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 171.

AN ACT

Regulating the physical form of charters, certificates of incorporation, or applications, when application shall be made to any of the courts of common pleas for a charter of a corporation of the first class.

Section 1. Be it enacted, &c., That when application shall be made to any of the courts of common pleas of this Commonwealth for a charter of a corporation of the first class, the charter, certificate of incorporation, or application shall not be required to be written on a single sheet of paper, but may be written, typewritten, or printed upon one or more sheets of paper fastened securely together, in the manner now practiced in regard to other petitions to the said courts, and the decree approving the said charter may be written, typewritten, or printed upon one or more separate sheets of paper, fastened securely to each other, and to the said charter, certificate of incorporation, or application, in the manner now practiced in regard to decrees made pursuant to other petitions to the said courts.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 20, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate bill No. 1186, entitled "An act regulating the physical form of charters, certificates of incorporation, or applications, when application shall be made to any of the courts of common pleas for a charter of a corporation of the first class."

This bill permits certificates of incorporation, on application for charters for corporations of the first class, to be written upon more than a single sheet of paper. It would appear that in some courts such certificates are required to be written upon one sheet of paper, the reason being that it prevents possible substitution, and, hence, fraud. This is a matter for the court. Its discretion is of more consequence than this mandamus. The court is familiar with the conditions and should be free to make such rulings as to promote justice. A simple rule of court will accomplish all that this bill makes mandatory. If a judge refuses to make such rule he manifestly knows why.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 172.

AN ACT

Enlarging the powers of building and loan associations; authorizing such associations to accept minors as shareholders, with the same effect as if of full age; to contract with borrowing shareholders for the application of their dues upon their indebtedness; and thereupon to allow either periodical reductions of interest and premiums or a share in the profits of the association; and to permit shareholders to name beneficiaries to whom their shares shall be paid upon the death of the shareholder, without administration upon the estate of the stockholder.

Section 1. Be it enacted, &c., That, in addition to the powers now possessed by building and loan associations, it shall be lawful for any such association—

(a) To issue shares of its stock to minors, not less than sixteen years of age, and, with respect to such stock, to deal with said minors in all respects as with shareholders of full age, and such stock shall not be subject to the claim or control of the parents or guardians of such minors.

(b) To contract with its borrowing shareholders for the application of dues upon their pledged stock to the extinguishment of the indebtedness for which the same is pledged, and thereupon, as may be provided in such contract, either (1) annually or semiannually, to reduce the payments of interest and premiums (where premiums are payable periodically) upon such indebtedness in proportion to the reduction of the same, in which case the borrowing

stockholder shall be entitled to no share of the profits upon his stock so pledged; or (2) to allow such stockholder to participate, the same as other members of the association, in the profits upon his pledged stock, without reduction of interest and premiums upon such indebtedness: Provided, however, That such contract shall be made at or before the actual payment of such dues.

(c) To permit shareholders to name, in such manner as the by-laws of the association or the board of directors may provide, beneficiaries to whom their shares of stock shall be paid upon the death of the shareholder, without administration upon his or her estate, and, at the pleasure of the shareholder, to change such beneficiary or to revoke the nomination thereof.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 20, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate bill No. 1229, entitled "An act enlarging the powers of building and loan associations; authorizing such associations to accept minors as shareholders, with the same effect as if of full age, to contract with borrowing shareholders for the application of their dues upon their indebtedness, and thereupon to allow either periodical reductions of interest and premiums or a share in the profits of the association; and to permit shareholders to name beneficiaries to whom their shares shall be paid upon the death of the shareholder, without administration upon the estate of the stockholder."

This bill relates to the enlargement of the powers of building and loan associations. It permits the issuance of shares to minors not less than 16 years of age, dealing with them as of full age,—a new theory of government regulation in Pennsylvania. It modifies a Supreme Court decision relative to right to apply dues in the cancellation or reduction of debt, and it permits shareholders to name anybody, whether a member of his family or not, as beneficiary. Building associations cannot treat with minor stockholders as with others. Could such a minor execute mortgages, &c., without consent of parent or guardian? Would it be legal?

The second provision is revolutionary and would be confusing. Equities are worked out through assignments of stock as collateral, and not by the assignments as collateral and in trust to appropriate dues on account of loan. This provision would work more to the profit of the association than to the shareholder. The final clause permitting the naming of a beneficiary, which may be anybody, is testamentary in character. It gives a preference to a beneficiary and its operation would result in defrauding creditors of decedent.

It is generally conceded that the building and loan laws of Pennsylvania are excellent, perhaps without a peer; under them our people have developed a gigantic saving system and their provisions are well known. To change them in such important and questionable particulars would lead to confusion, and directly to distrust, a fatal element in fiscal activities.

The Building Association League of Pennsylvania, many lawyers, and others, together with the responsible supervisory agencies of the Commonwealth, protest this bill, and in one form or another point out its defects and its effect upon a State-wide, satisfactory, and stable system of saving.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 173.

AN ACT

Providing a system of employment and compensation for the inmates of the Eastern Penitentiary, Western Penitentiary, and the Pennsylvania Industrial Reformatory at Huntingdon, and for such other correctional institutions as shall be hereafter established by the Commonwealth.

Section 1. Be it enacted, &c., That all persons sentenced to the Eastern State Penitentiary or the Western Penitentiary or the Pennsylvania Industrial Reformatory at Huntingdon, or to any other correctional institution hereafter established by the Commonwealth, who are physically capable, may be employed in manufacturing products of the character and under the limitations hereinafter provided for, not to exceed eight hours each day, other than Sundays and public holidays. Such labor shall be for the purpose of the manufacture and production, by handwork or machinery of any kind, or both, or supplies for such institutions, or for the Government of the United States, or for the Commonwealth, or for any political division thereof, or for any public institution owned and managed and controlled by the Commonwealth or any political division thereof; or for the preparation and manufacture of material for the construction or repair of any such public institution, or in the work of such construction or repair; or in the manufacture and production of crushed stone, brick, tile, and culvert-pipe, or other material suitable and to be used for the drainage of roads within the State, or in the preparation of road-building and ballasting material therefor. Nothing in this act shall abridge any power now possessed by either of said penitentiaries or the said reformatory.

Section 2. Upon the approval of this act, the board of inspectors or managers of each of the said existing institutions, and thereafter the board in charge of such other correctional institution as may come within the provisions hereof, shall each designate one of their number to represent such institution upon a board to be known as the Prison Labor Commission, which commission shall be composed of the persons so designated, and each member shall serve at the pleasure of the board by which he has been chosen. Said commission shall receive the expenses actually incurred its members in the performance of their duties, and in addition thereto such allowance for clerical or other assistance as may be approved by the boards of all of said institutions.

Section 3. It shall be the duty of the Prison Labor Commission to represent all of said institutions in procuring orders for such things as are herein authorized to be made, distributing and apportioning the work as between the several correctional institutions and, generally, to supervise the carrying out of the purposes of this act. Said commission shall have no jurisdiction with respect to live stock or agricultural products, the production and disposition of which shall remain under the control of the respective boards of inspectors or managers.

Section 4. The proceeds of the things produced and sold by each of the said correctional institutions shall be applied: First, to the cost of procuring the materials used in producing the things sold, together with the compensation of such mechanics or other skilled men as may be necessary to employ from outside the institution; second, to the payment of the amount apportioned to such institution for the expenses of maintaining the said Prison Labor Commission; third, to the wear and tear and replacement of the machinery and equipment necessarily provided, together with such allowances, from time to time, as the board of inspectors or managers of such institution shall deem proper, for the repayment to the counties concerned of the cost of installation of said machinery and equipment, with interest; fourth, to the cost of maintenance of the prisoners in such institution; fifth, to all the prisoners in such institution who are engaged in any useful work, whether producing revenue or not, apportioned with regard to their industry, faithfulness, and efficiency, but in no case to exceed fifty cents per day for any prisoner. Any balance remaining shall be credited as profits to the counties concerned.

Section 5. The amounts allowed to the prisoners as compensation for their industry shall be, in whole or in part, paid to them, or held for them until their liberation, or paid from time to time to those dependent upon them, as each board of inspectors or managers shall determine.

Section 6. The act of June first, one thousand nine hundred and fifteen, entitled "An act providing a system of employment and compensation for the inmates of the Eastern Penitentiary, Western Penitentiary, and the Pennsylvania Industrial Reformatory at Huntingdon, and for such other correctional institutions as shall be hereafter established by the Commonwealth, and making an appropriation therefor," and all other acts or parts of acts inconsistent herewith, are hereby repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 20, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate bill No. 1686, entitled "An act providing a system of employment and compensation for the inmates of the Eastern Penitentiary, Western Penitentiary, and the Pennsylvania Industrial Reformatory at Huntingdon, and for such other correctional institutions as shall be hereafter established by the Commonwealth."

This is ill-advised legislation. It practically repeals or nullifies the act of June 1, 1915 (P. L. 656), known as the Prison Labor Commission Act. The present law is in all respects save one, a better act. The one commendable item is the authority to manufacture foods for the United States Government. Another bill carrying this provision was defeated. The present Prison Labor Commission has already become well organized and is carrying on the work which by the law of 1915 is considered humane and desirable. To dismantle all this work, vacate valuable machinery already in use for the Commonwealth, and to set up a new machinery is unwise. A study of the whole situation convinces me beyond peradventure that this bill will weaken, not strengthen, the State's method of conserving the efforts of its prisoners. This bill is widely protested. It is not urged by anyone.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 174.

AN ACT

To amend sections one, four, and five of an act, entitled "An act empowering cities of the first class to purchase, lease, locate, construct, and equip, or otherwise acquire, transit facilities, and to own, maintain, use, and operate the same, within their corporate limits, and within the limits of adjacent cities, boroughs, and townships; to exercise the right of eminent domain in connection therewith, and prescribing the manner of ascertaining the damages sustained in connection with such exercise; to sell, pledge, or lease transit facilities; to grant licenses for the use of the same; to enter into agreements for the construction and operation of the same; to connect the tracks of railways with the tracks of railroad or railway companies, and under certain conditions to use portions of the tracks of the latter; and empowering railroad, railway, and motor power companies to sell, purchase, and lease transit facilities to and from said cities, and to contract with said cities respecting the acquisition, construction, operation, and use of transit facilities," approved the seventeenth day of June, one thousand nine hundred and thirteen, so as to extend the provisions of the said act to railroads in said cities, operated, or organized to be operated, on the principle generally known as the belt-line principle.

Section 1. Be it enacted, &c., That section one of an act, entitled "An act empowering cities of the first class to purchase, lease, locate, construct, and equip, or otherwise acquire, transit facilities, and to own, maintain, use, and operate the same within their corporate limits, and within the limits of adjacent cities, boroughs, and townships; to exercise the right of eminent domain in connection therewith, and prescribing the manner of ascertaining the damages sustained in connection with such exercise; to sell, pledge, or lease transit facilities; to grant licenses for the use of the same; to enter into agreements for the construction and operation of the same; to connect the tracks of railways with the tracks of railroad or railway companies, and under certain conditions to use portions of the tracks of the latter; and empowering railroad, railway, and motor power companies to sell, purchase, and lease transit facilities to and from said cities, and to contract with said cities respecting the acquisition, construction, operation, and use of transit facilities," approved the seventeenth day of June, one thousand nine hundred and thirteen, which reads as follows:—

"Section 1. Be it enacted, &c., That the words 'transit facilities, as used in this act, shall be taken to mean and to include railways and extensions thereof, for the transportation of persons and property over, under, upon, through, and across any streets, highways, avenues, bridges, viaducts, rivers, waters, and public and private lands; or partly over, under, upon, through, and across all or any of the same. They shall also be taken to mean and to include tunnels, subways, bridges, elevated structures, tracks, poles, wires, conduits, power-houses, substations, lines for the transmission of power, car barns, shops, yards, sidings, turnouts, switches, stations, and approaches thereto, cars and motive equipment; and all works, buildings, appliances, and appurtenances necessary and convenient for the proper construction, equipment, maintenance, and operation of such transit facilities, or any one or more of them," be, and the same is hereby, amended so as to read as follows:—

Section 1. Be it enacted, &c., That the words "transit facilities," as used in this act, shall be taken to mean and to include railways, and extensions thereof, for the transportation of persons and property over, under, upon, through, and across any streets, highways, avenues, bridges, viaducts, rivers, waters, and public and private lands; or partly over, under, upon, through, and across all or any of the same; including railroads in said cities operated, or organized to be operated, by steam or other motive power, on the principle generally known as the belt-line principle. They shall also be taken to mean and to include tunnels, subways, bridges, elevated structures, tracks, poles, wires, conduits, power-houses, substations, lines for the transmission of power, car barns, shops, yards, sidings, turnouts, switches, stations, and approaches thereto, cars, locomotives, engines, motors, and motive equipment; and all works, buildings, appliances, and appurtenances necessary and convenient for the proper construction, equipment, maintenance, and operation of such transit facilities, or any one or more of them. The term "belt-line principle," used in this act, is defined to mean a railroad owned and operated, or leased and controlled, or regulated, by a municipality or corporation having no other competitive or conflicting railroad interest; and connected, or intended so to be, with all lands, wharves, docks, piers, warehouses, industrial, or other establishments adjacent to its tracks; and with all railroads or railways now operating, or that may hereafter be constructed and operated, receiving and delivering traffic to and from each, all, or any of said railroads or railways, to all lands, wharves, docks, piers, warehouses, industrial or other establishments, on equal, fair, and reasonable terms; the primary feature of the belt-line principle being equality of charges and service to all users, and promotion of the commerce of the municipality: Provided always, That, where there is an existing belt-line railroad company, the work of enlarging, applying, and carrying out the said belt-line principle shall be done through the agency of such company; and all property acquired through ownership, lease, or license, for the purpose of carrying out the said belt-line principle, shall be acquired by, through, and in the name of such existing belt-line railroad company.

Section 2. That section four of said act, which reads as follows:—

"Section 4. It shall be lawful for, and the right is hereby conferred upon, cities of the first class of this Commonwealth, their assigns, lessees, and licensees, to connect the tracks of railways, acquired, constructed, owned, or operated under the rights conferred by this act, with the tracks of any railroad or railway company, upon such terms and conditions as may be agreed upon; and to contract with such company for the use of its tracks or for the interchange of cars, whether passenger or freight, for continuous movement over any such connecting tracks, upon such terms and conditions as the councils of such cities shall determine. Such cities, their assigns, lessees, and licensees, may use such portions of the tracks of any street passenger railway company, surface, elevated, or underground, or motor power company, as may be required, either to complete a circuit upon any railway constructed, owned or operated under the rights conferred by this act, or to connect any such railway with another railway, upon such terms and conditions as the councils of such cities shall determine: Provided, Compensation for such use shall have been paid or secured," is hereby amended to read as follows:--

Section 4. It shall be lawful for, and the right is hereby conferred upon, cities of the first class of this Commonwealth, their assigns, lessees, and licensees, to connect the tracks of railways and said belt-line railroads, acquired, constructed, owned, or operated under the rights conferred by this act, with the tracks of any railroad or railway company, upon such terms and conditions as may be agreed upon; and to contract with such company for the use of its tracks or for the interchange of cars, whether passenger or freight, for continuous movement over any such connecting tracks, upon such terms and conditions as the councils of such cities shall determine. Such cities, their assigns, lessees, and licensees, may use such portions of the tracks of any street passenger railway company, surface, elevated or underground, railroad company or motor power company, as may be required, either to complete a circuit upon any railway or railroad constructed, owned, or operated under the rights conferred by this act, or to connect any such railway or railroad with another railway or railroad, upon such terms and conditions as the councils of such cities shall determine: Provided, Compensation for such use shall have been paid or secured: Provided always, That when there is an existing belt-line railroad company the powers given in this section to cities of the first class, their assigns, lessees, and licensees, for track connections or use of other railway or railroad companies' tracks or facilities, shall be exercised, not by the city, but by the said existing belt-line railroad company; and in such a case the said existing belt-line railroad companies are hereby authorized and empowered to do every act, matter, and thing which is conferred upon cities of the first class, their assigns, lessees, and licensees, in the foregoing part of this section.

Section 3. That section five of said act, which reads as follows:--

"Section 5. Any street passenger railway company, surface, elevated or underground, or motor power company, incorporated under the laws of this Commonwealth, and authorized to own, maintain or operate transit facilities, or any of them, or any part thereof, in any city of the first class of this Commonwealth, or within the limits of

any city, borough, or township adjacent thereto, is hereby authorized and empowered to sell or lease transit facilities, or any of them, or any part thereof, to such city; to purchase or lease transit facilities, or any of them, or any part thereof, from such city; to accept licenses from such city for the use of transit facilities, or any of them, or any part thereof; to enter into agreements with such city for the connection of tracks and the interchange of cars, and agreements for the construction or operation, or for both the construction and operation, of transit facilities, or any of them, or any part thereof, by said company, upon such terms and conditions as the councils of such cities shall determine. Any railroad company, incorporated under the laws of this Commonwealth, is hereby authorized and empowered to enter into agreements and accept licenses from such city, for the use by said company of the transit facilities of such city, or any of them, or any part thereof, and for the connection of tracks and the interchange of cars, upon such terms and conditions as the councils of such cities shall determine," is hereby amended to read as follows:—

Section 5. Any street passenger railway company, surface, elevated or underground, belt-line railroad, or motor power company, incorporated under the laws of this Commonwealth, and authorized to own, maintain or operate transit facilities, or any of them, or any part thereof, in any city of the first class of this Commonwealth, or within the limits of any city, borough, or township adjacent thereto, is hereby authorized and empowered to sell or lease transit facilities, or any of them, or any part thereof, to such city; to purchase or lease transit facilities, or any of them, or any part thereof, from such city; to accept licenses from such city for the use of transit facilities, or any of them, or any part thereof; to enter into agreements with such city for the connection of tracks and the interchange of cars, and agreements for the construction or operation, or for both the construction and operation, of transit facilities, or any of them, or any part thereof, by said company, upon such terms and conditions as the councils of such cities shall determine. Any railroad company, incorporated under the laws of this Commonwealth, is hereby authorized and empowered to enter into agreements and accept licenses from such city, for the use by said company of the transit facilities of such city, or any of them, or any part thereof, and for the connection of tracks and the interchange of cars, upon such terms and conditions as the councils of such cities shall determine. And any railroad company incorporated under the laws of this Commonwealth is hereby authorized and empowered to sell, lease, assign, or otherwise to grant and convey to any existing belt-line railroad company, or to any city of the first class, any portion or portions of the tracks, sidings, depots, yards, or other transit or railroad facilities owned by such railroad within the limits of any city of the first class, and required by such existing belt-line railroad company, or city, for use as a portion of a railroad to be operated on the belt-line principle.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 20, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House bill No. 1725, entitled "An act to amend sections one, four, and five of an act, entitled 'An act empowering cities of the first class to purchase, lease, locate, construct, and equip, or otherwise acquire, transit facilities, and to own, maintain, use, and operate the same, within their corporate limits, and within the limits of adjacent cities, boroughs, and townships; to exercise the right of eminent domain in connection therewith, and prescribing the manner of ascertaining the damages sustained in connection with such exercise; to sell, pledge, or lease transit facilities; to grant licenses for the use of the same; to enter into agreements for the construction and operation of the same; to connect the tracks of railways with the tracks of railroad or railway companies, and under certain conditions to use portions of the tracks of the latter; and empowering railroad, railway, and motor power companies to sell, purchase, and lease transit facilities to and from said cities, and to contract with said cities respecting the acquisition, construction, operation, and use of transit facilities,' approved the seventeenth day of June, one thousand nine hundred and thirteen, so as to extend the provisions of the said act to railroads in said cities, operated, or organized to be operated, on the principle generally known as the belt-line principle."

This bill amends sections 1, 4, and 5 of the City Transit Act of 1913 by extending its provisions to railroads operated upon the belt-line principle. If the bill went no farther it would be unobjectionable. But in section one the extension of the provisions of the act is limited to "existing" belt-line railroad. No notice of this limitation is found in the title of the bill. Hence, as a matter of law, this legislation would fall, even if it were justifiable as a matter of policy. The act is general as to all other transit facilities. It is limited as to belt-line railroads to the existing one alone.

Likewise, in section 4, the right conferred upon the city to connect tracks of railways acquired, constructed, owned, or operated under this bill, is also given exclusively to existing belt-line railroads. There is only one. Why give to this one road advantages denied to others that may hereafter come into existence? Why give a belt-line railroad advantages denied all other transit or transportation agencies? The same limitation appears again in section 5 as here set forth.

The city ought to be free to act in the interests of the whole people. There should be no hard and fast legislative restrictions in the interests of a defined corporation as against the interests of the people as a whole. The people are the government. It is unwise in them to give to any corporation or agency they create monopolistic power that in the future may arise to hamper and hinder the free advancement of the welfare of the whole people.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH

No. 175.

AN ACT

To further amend section one of an act, approved the tenth day of May, one thousand nine hundred and seven, entitled "An act to fix the salaries of the clerk, deputy clerk, court clerks, and employes in the office of the clerk of the court of oyer and terminer and quarter sessions of the peace, of any county of this Commonwealth having a population of one million or over."

Section 1. Be it enacted, &c., That section one of the act, approved the tenth day of May, one thousand nine hundred and seven (Pamphlet Laws, one hundred ninety-six), entitled "An act to fix the salaries of the clerk, deputy clerk, court clerks, and employes in the office of the clerk of the court of oyer and terminer and quarter sessions of the peace, of any county of this Commonwealth having a population of one million or over," which, as amended by an act approved the fifth day of May, one thousand nine hundred and eleven (Pamphlet Laws, one hundred ninety-four), entitled "An act to amend the first section of an act, approved the tenth day of May, Anno Domini one thousand nine hundred and seven, entitled 'An act to fix the salaries of the clerk, deputy clerk, court clerks, and employes in the office of the clerk of court of oyer and terminer and quarter sessions of the peace, of any county of this Commonwealth having a population of one million or over,' so as to make it apply to counties having a population of one million four hundred thousand or over," reads as follows:—

"Section 1. That the salaries or compensation of the clerk, deputy clerk, court clerks, and employes in the office of the clerk of the court of oyer and terminer and quarter sessions of the peace, of any county of this Commonwealth having a population of one million four hundred thousand or over, as computed by the last preceeding United census, shall be as follows:

"Clerk of the court of oyer and terminer and quarter sessions of the peace, at the rate of eight thousand dollars per annum; deputy clerk, thirty-five hundred dollars per annum; three court clerks, each three thousand dollars per annum; three assistant court clerks, each, sixteen hundred dollars per annum; one record clerk, fifteen hundred dollars per annum; one license clerk, one fee clerk, one road clerk, each, fourteen hundred dollars per annum; one search clerk, two subpoena clerks, one assistant license clerk, one assistant road clerk, three assistant record clerks, one custodian of records, five miscellaneous clerks, and one stenographer, at the rate of twelve hundred dollars each, per annum; one assistant custodian of records and a messenger, each, at one thousand dollars per annum. Such salaries and compensation to be paid monthly by the treasurer of such county, according to existing laws," is hereby further amended to read as follows:—

Section 1. That the salaries or compensation of the clerk, deputy clerk, court clerks, and employes in the office of the clerk of the court of oyer and terminer and quarter sessions of the peace, of any county of this Commonwealth having a population of one million four hundred thousand or over, as computed by the last preceding United States census shall be as follows:

Clerk of the court of oyer and terminer and quarter sessions of the peace, at the rate of ten thousand dollars per annum; deputy clerk, five thousand dollars per annum; one court clerk, four thousand five hundred dollars per annum; two court clerks, each, four thousand dollars per annum; three assistant court clerks, each, two thousand dollars per annum; one record clerk, three thousand dollars per annum; one license clerk, eighteen hundred dollars per annum; one fee clerk and one road clerk, seventeen hundred dollars, each, per annum; one search clerk, two subpoena clerks, each, fifteen hundred dollars per annum; one assistant license clerk, sixteen hundred dollars per annum; one assistant road clerk, three assistant record clerks, one custodian of records, five miscellaneous clerks, and one stenographer, at the rate of fifteen hundred dollars, each, per annum; one assistant custodian of records and a messenger, each at twelve hundred dollars per annum. Such salaries and compensation to be paid semimonthly by the treasurer of such county, according to existing laws.

Section 2. All acts or parts of acts inconsistent herewith are hereby repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 20, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House bill No. 1780, entitled "An act to further amend section one of an act, approved the tenth day of May, one thousand nine hundred and seven, entitled 'An act to fix the salaries of the clerk, deputy clerk, court clerks, and employes in the office of the clerk of the court of oyer and terminer and quarter sessions of the peace, of any county of this Commonwealth having a population of one million or over.'"

This bill increases the salaries of clerks and employes in the courts of quarter sessions of counties having a population of 1,000,000 or over. The increases approximate in the county concerned about \$25,000. In one case the salary is doubled. In all cases there is a substantial increase. This increased cost does not add one person to the present staff, and hence the argument that the amount of work demands the increased expenditure is of little value. No other argument is given save the usual one of the high cost of living—and this applies to all people. Because the burden of government must not be unduly heavy it has been necessary to deny many salary increases. This the Executive is reluctant to do, but his duty is plain and must be performed. Conditions do not warrant this increased cost, which ranges from an increase from \$8,000 to \$10,000 for the clerk, and from \$3,500 to \$5,000 for the deputy clerk, all the way to the messenger from \$1,000 to \$1,200. The present salary schedule is not out of proportion to others that have been denied.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 176.

AN ACT

Making an appropriation to Saint Mary's Keller Memorial Hospital, Scranton, Lackawanna County.

Section 1. Be it enacted, &c., That the sum of five thousand dollars (\$5,000), or so much thereof as may be necessary, is hereby specifically appropriated to the Saint Mary's Keller Memorial Hospital, located at Scranton, Lackawanna County, Pennsylvania, for the two fiscal years beginning June first, one thousand nine hundred and seventeen, for the purpose of maintenance.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 25, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, without my approval, House bill No. 105, entitled "An act making an appropriation to Saint Mary's Keller Memorial Hospital, Scranton, Lackawanna County."

I withhold my approval from this bill because of insufficient State revenue.

MARTIN G. BRUMBAUGH.

No. 177.

AN ACT

Making an appropriation to the Homeopathic Hospital, of Pottstown, Montgomery County, Pennsylvania.

Section 1. Be it enacted, &c., That the sum of two thousand dollars (\$2,000), or so much thereof as may be necessary, is hereby specifically appropriated to the Homeopathic Hospital, of Pottstown, Montgomery County, Pennsylvania, for the two fiscal years beginning June first, one thousand nine hundred and seventeen, for the purpose of maintenance.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 25, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, without my approval, House bill No. 242, entitled "An act making an appropriation to the Homeopathic Hospital of Pottstown, Montgomery County, Pennsylvania."

I withhold my approval from this bill because of insufficient State revenue.

MARTIN G. BRUMBAUGH.

No. 178.

AN ACT

Making an appropriation to the National Stomach Hospital, Philadelphia.

Section 1. Be it enacted, &c., That the sum of one thousand (\$1,000) dollars, or so much thereof as may be necessary, is hereby specifically appropriated to the National Stomach Hospital, located at Philadelphia, Pennsylvania, for the purpose of maintenance, during the two fiscal years beginning June first, one thousand nine hundred and seventeen (1917).

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 25, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, without my approval, House bill No. 252, entitled "An act making an appropriation to the National Stomach Hospital, Philadelphia."

I withhold my approval from this bill because of insufficient State revenue.

MARTIN G. BRUMBAUGH.

No. 179.

AN ACT

Making an appropriation to the Taylor Hospital, Ridley Park, Delaware County, Pennsylvania.

Section 1. Be it enacted, &c., That the sum of five thousand dollars (\$5,000), or so much thereof as may be necessary, be and the same is hereby specifically appropriated to the Taylor Hospital, located at Ridley Park, Delaware County, Pennsylvania, for the two fiscal years beginning June first, one thousand nine hundred and seventeen, for the purpose of maintenance.

Commonwealth of Pennsylvania.
Executive Chamber,
Harrisburg, July 25, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, without my approval, House bill No. 1138, entitled "An act making an appropriation to the Taylor Hospital, Ridley Park, Delaware County, Pennsylvania."

I withhold my approval from this bill because of insufficient State revenue.

MARTIN G. BRUMBAUGH.

No. 180.

AN ACT

Providing for the appointment of a commission to ascertain the advisability of feasibility of constructing a bridge or tunnel over or under the Delaware River connecting this Commonwealth with the State of New Jersey; defining the powers and duties of said commission, and making an appropriation.

Section 1. Be it enacted, &c., That the Governor of the Commonwealth of Pennsylvania shall, upon the passage of this act, appoint three citizens of this Commonwealth who shall constitute a commission to be known as the Delaware River Bridge and Tunnel Commission. Any vacancy occurring in the membership of said commission, for any cause whatsoever, shall be filled by an appointment by the Governor for the remainder of the time such commission shall exist.

Section 2. The commission shall, immediately after its appointment, meet with a similar commission of the State of New Jersey, and shall act in conjunction with such New Jersey commission in ascertaining and determining the advisability or feasibility of constructing a bridge or tunnel over or under the Delaware River, connecting this Commonwealth with the State of New Jersey. They shall have the power, and it shall be their duty, to select the location of such bridge or tunnel, to have made and prepared the necessary and proper plans and specifications of such bridge or tunnel, and to procure estimates of the cost of construction and maintenance of the same; and for that purpose shall appoint a secretary, and employ such engineers, clerks, and other persons as may be necessary to have such plans, specifications, and estimates prepared, and shall fix the compensation of the persons so appointed or employed.

Section 3. The commission shall not incur any expenses or charges other than those necessary for the preparation of the preliminary plans, specifications, and estimate of cost, and the compensation of those employed for that purpose, and such incidental expenses of the commission as may be necessary for carrying out the provisions of this act; and such expenses, charges, and compensation shall not exceed the sum of fifteen thousand dollars, which shall be paid by the State Treasurer, from time to time, on warrants drawn by the Auditor General upon the presentation to him of specifically itemized vouchers approved by the commission, and the sum of fifteen thousand dollars, or so much thereof as may be necessary, is hereby specifically appropriated for the use of the commission.

Section 4. Said commission shall cause to be kept a record of all its proceedings, and shall transmit the same in the form of a report, together with the plans and specifications and all other information or data concerning the cost of construction and maintenance of such bridge or tunnel which they have had prepared or procured, to the Governor and the General Assembly of this Commonwealth at its next session.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 25, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objection, Senate bill No. 787, entitled "An act providing

for the appointment of a commission to ascertain the advisability or feasibility of constructing a bridge or tunnel over or under the Delaware River, connecting this Commonwealth with the State of New Jersey; defining the powers and duties of said commission, and making an appropriation."

This bill, like House bill No. 1030, relates to the creation of a commission to consider the matter of a bridge or tunnel between Philadelphia and Camden. New Jersey has also enacted preliminary legislation on the same topic. I have found the House bill (1030) more comprehensive and more likely to secure prompt action. For that reason it is approved.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 181.

AN ACT

To provide for certain improvements to that certain tract of land known as the Paoli Parade Ground, situate in Malvern Borough, Chester County, and making an appropriation therefor.

Whereas, Cromwell Pierce and wife, by deed dated December twenty-four, eighteen hundred and twenty-two, and recorded in Chester County in miscellaneous deed book number two, page two hundred and forty-one, granted and conveyed to Lieutenant William Darlington and Major Samuel Anderson, commanding officers of the Chester and Delaware Battalions of Volunteers, all that certain tract or piece of land situate in Willistown Township, now Malvern Borough, in the county of Chester (on which is erected the Paoli monument), containing twenty-two acres and one hundred and ten perches of land, more or less, "in trust, as a place of parade forever, for the use and benefit of all volunteer corps lawfully organized that have contributed towards the purchase of the same or that may think proper to assemble thereon." And Jehu Griffith and wife, by deed dated September twenty, eighteen hundred and thirty-two, and recorded in Chester County in deed book seven, volume one hundred and sixty-five, page two hundred and sixty-six, granted and conveyed to Colonel William Harris, Lieutenant Colonel Emmor Eleton, John S. Yocum, and David McConkey, majors and field and commanding officers of the First Regiment of Chester and Delaware County Volunteers, all that certain messuage and lot or piece of land situate in the township of Willistown aforesaid, now Malvern Borough (on which is erected a part of the Paoli monument), containing ten acres of land, more or less, "in trust and to their successors in office forever, as a place of parade for the use and benefit of all volunteer corps lawfully organized and may think proper to assemble thereon to perform military duty, et cetera." And the said two tracts of land are now called the "Paoli Parade Ground," and upon the same are erected two monuments commemorating the massacre, during the Revolutionary War, of American soldiers under

command of General Anthony Wayne, by a portion of the British army, on September twenty, seventeen hundred and seventy-seven, and commonly known as the "Paoli Massacre;" and

Whereas, August thirty, eighteen hundred and ninety-seven, the Paoli Memorial Association was duly incorporated, under the laws of Pennsylvania, by the court of common pleas of Chester County (as appears by the record thereof in said county in corporation book number four, page two hundred and thirty-four), for the purpose, as set forth in the articles of association, "to hold, improve, and preserve the land and improvements thereon known as the Paoli Parade Ground," and including the monuments now erected thereon, situate in Willistown Township (now Malvern Borough), Chester County, Pennsylvania, consisting of about twenty-two acres of land, whereon occurred the massacre of American patriots on September twenty, seventeen hundred and seventy-seven, and to maintain the said tract of land as a memorial park for all time to come;" and

Whereas, Said court, upon petition, did, on December thirteen, nineteen hundred and four, appoint said Paoli Memorial Association trustees of the Paoli Parade Ground and the monuments thereon erected, "to take the place of the trustees named in said deeds of trust, with full power and authority to carry out the uses and purposes for which the said tracts of land were granted in accordance with the prayer of the petitioner;" and

Whereas, Said tracts of land and monuments have been for many years, and are, without adequate protection, and the original grants fail of their purpose, and the property is deteriorating by reason of the lack of necessary repairs, and it is desirable to make said tracts of land a memorial park and to maintain the same as such.

Section 1. Be it enacted, &c., That said Paoli Memorial Association shall prepare a draft and specifications for the erection of a building for meetings of the board of directors and for use of the caretaker, and for the erection of a suitable permanent fence, with stone or concrete posts, for said Paoli Parade Grounds, and with two suitable gateways, for such gradings as may be necessary to properly locate said fences, gateways and drives, for construction of driveways through said grounds, with proper provisions for the disposition of surface drainage, for procuring and preserving the water supply thereon, and for the planting of suitable trees and shrubbery; and shall advertise for two weeks, in two newspapers in the county of Chester, for proposals for furnishing materials and doing the work provided for by said draft and specifications, and shall let the contract or contracts therefor to the lowest responsible bidder or bidders.

Section 2. The cost of said improvements shall not exceed twenty thousand dollars; and the sum of twenty thousand dollars, or so much thereof as is necessary, be, and the same is hereby, specifically appropriated therefor; one-half of which sum thus appropriated is to become available and shall be paid to said Paoli Memorial Association when said draft and specifications, together with the contract or contracts, in writing, executed by responsible contractors, with sufficient sureties, shall be filed in the office of the Auditor General, and the remainder of said sum thus appropriated shall be paid to said association, on the affidavit of the president and treasurer of

said association that the work has been completed in full compliance with the plans, draft, and specifications on file in the office of the Auditor General.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 25, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, without my approval, Senate bill No. 35, entitled "An act to provide for certain improvements to that certain tract of land known as the Paoli Parade Ground, situate in Malvern Borough, Chester County, and making an appropriation therefor."

I withhold my approval from this bill because of insufficient State revenue.

MARTIN G. BRUMBAUGH.

No. 182.

AN ACT

Making an appropriation to the Department of Health of this Commonwealth, for paying such expenditures as may be incurred to protect property and the public health, and to promote the safety of the citizens of this Commonwealth and others from loss and danger from mine fires, when such fires become a public nuisance, in the judgment of the Commissioner of Health of this Commonwealth; and providing how such expenditures shall be made, how the Commonwealth shall be repaid; and authorizing the condemnation, destruction, and appropriation of property, material; and compensation and the entering of liens against the property upon which the fires may be burning, for the expense of removing such nuisance or putting out or controlling the same therefor; to carry into effect the purposes of this act.

Section 1. Be it enacted, &c., That the sum of seventy-five thousand dollars (\$75,000), or so much thereof as may be necessary, be and the same is hereby specifically appropriated to the Department of Health of this Commonwealth, for the payment of such expenditures as the Commissioner of the said Department of Health may approve and deem necessary, and which he is hereby authorized and directed to make, in the protecting of property and the public health and promoting the safety of the inhabitants of this Commonwealth affected and likely to be affected by mine fires, where such fires become a public nuisance and endanger the public health, in the judgment of the Commissioner of Health of this Commonwealth.

Section 2. The money by this act appropriated shall be paid on the warrant of the Auditor General on the State Treasurer, in favor of and upon the requisition of the Commissioner of the said Department of Health, which requisition shall be itemized. Properly itemized vouchers for all disbursements shall be returned to the Auditor General.

Section 3. The Commissioner of the Department of Health is hereby authorized, and empowered and directed, for and in the name of this Commonwealth, by his agents and employees, to enter upon and to condemn such land, and to destroy, appropriate, and use such material and property, as in his opinion may be required to carry

into effect the provisions of this act; compensation therefor to be made as provided by law, or to protect such expenditures by the entering of liens for the money so spent against the property or properties on which the fire may be burning.

Section 4. The Attorney General of this Commonwealth is hereby authorized, directed, and required, for and in the name of the Commonwealth of Pennsylvania, to sue for and recover from the property saved from loss or danger, or from any individual or corporation liable, all or any of them, or so much as may be lawfully recoverable, of the expenditures made under the provisions of this act.

Section 5. All acts or parts of acts inconsistent herewith are hereby repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 25, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objection, House bill No. 1002, entitled "An act making an appropriation to the Department of Health of this Commonwealth, for paying such expenditures as may be incurred to protect property and the public health, and to promote the safety of the citizens of this Commonwealth and others from loss and danger from mine fires, when such fires become a public nuisance, in the judgment of the Commissioner of Health of this Commonwealth; and providing how such expenditures shall be made, how the Commonwealth shall be repaid, and authorizing the condemnation, destruction, and appropriation of property, material; and compensation and the entering of liens against the property upon which the fires may be burning, for the expense of removing such nuisance or putting out or controlling the same therefor; to carry into effect the purposes of this act."

I withhold my approval from this bill because there is no money for it, and the task is not one that the Department of Health should be asked to perform, nor is it manifest that this is a proper charge against the Commonwealth.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 183.

AN ACT

To provide badges for the officers and enlisted men who served in the Army or Navy of the United States during the Spanish War and Philippine Insurrection, and making an appropriation therefor.

Section 1. Be it enacted, &c., That the Adjutant General shall cause to be prepared and shall distribute to the officers and enlisted men who served in the Army or Navy of the United States during the Spanish War and Philippine Insurrection, and who enlisted from the State of Pennsylvania in organizations as shown by the Adju-

tant General's report of 1898, and who were honorably discharged, appropriate badges commemorative of their services and of the campaigns in said wars. The size and style of such badges shall be determined by the Adjutant General. If any such officer, soldier, or sailor be deceased, the badge to which he would be entitled shall, upon application, be delivered to his proper legal representatives.

Section 2. The sum of five thousand dollars (\$5,000), or so much thereof as may be needed, is hereby appropriated to the Adjutant General for the purpose of this act, out of money in the Treasury not otherwise appropriated.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 25, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House bill No. 43, entitled "An act to provide badges for the officers and enlisted men who served in the Army or Navy of the United States during the Spanish War and Philippine Insurrection, and making an appropriation therefor."

This bill is not drawn in equity to all. It would exclude men who enlisted in the Navy because they did not "enlist from the State of Pennsylvania * * * of 1898."

Seventeen thousand four hundred and forty-eight men were borne upon the rolls at that time. How can \$3,000 pay for medals? The average cost of medals would be about 29 cents gross and less than 25 cents net. Surely Pennsylvania has more than 25 cents worth of appreciation for her sons who did the full measure of duty.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 184.

AN ACT

To provide souvenir medals for the officers and enlisted men of the Pennsylvania State Militia who served in Mexico or along the Mexican Border, and making an appropriation therefor.

Section 1. Be it enacted, &c., That three members of the House of Representatives, to be appointed by the Speaker, and three members of the Senate, to be appointed by the President pro tempore, together with the Adjutant General, are constituted a committee, who shall cause to be prepared, and shall distribute to the officers and enlisted men of the Pennsylvania State Militia who served in Mexico or along the Mexican Border, souvenir medals commemorative of their services. The size and style of such badges shall be determined by the committee, and may be of different styles, suitable to the length or character of the service of the persons to whom the same are given.

21—Vetoed.

Section 2. The sum of ten thousand dollars (\$10,000), or so much thereof as may be needed, is hereby specifically appropriated to the committee, for the purpose of this act, out of money in the Treasury not otherwise appropriated.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 25, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House bill No. 779, entitled "An act to provide souvenir medals for the officers and enlisted men of the Pennsylvania State Militia who served in Mexico or along the Mexican Border, and making an appropriation therefor."

The purpose is commendable. These soldiers did all they were sent to do, and did it well. There is every reason to be proud of their record. There is, however, no provision for medals to nearest of kin in case of the death of the soldier. No provision is contained as to withholding of medals in case of a dishonorable discharge. This is not fair to the real men who did their full duty. Distinctions are made on the basis of "length and character" of service. This is unjust—all who went when ordered and remained as long as the Nation needed them should be treated alike. Also, the sum is wholly inadequate. A sixty-cent medal, or thereabout, is not in keeping with the sacrifice and service exacted.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 185.

AN ACT

Making an appropriation to the supervisors of Howe Township, Forest County, to reimburse said township for moneys expended in the repair of a section of State highway route number two hundred and fifty-three.

Section 1. Be it enacted, &c., That the sum of one thousand and thirteen dollars and thirty-nine cents is hereby specifically appropriated to the supervisors of Howe Township, Forest County, to reimburse said township for the amount expended by said township in the repair of a section of State highway, on route number two hundred fifty-three, running through such township, during the months of June and July, one thousand nine hundred and fourteen, which work by the supervisors of said township was done under the permission of the court of quarter sessions of Forest County, and for the reason that it was absolutely necessary for the safety of the traveling public, and there were then no funds available to the State Highway Department for the repair of this section of State highway.

Section 2. The aforesaid appropriation shall be paid to the supervisors of Howe Township by warrant of the Auditor General upon the State Treasurer, after the filing of proper vouchers showing the expenditure in detail of the aforesaid sum, and after approval by the State Highway Department.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 25, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, without my approval, House bill No. 1481, entitled "An act making an appropriation to the supervisors of Howe Township, Forest County, to reimburse said township for moneys expended in the repair of a section of State highway route number two hundred and fifty-three."

I withhold my approval from this bill because of insufficient State revenue.

MARTIN G. BRUMBAUGH.

No. 186.

AN ACT

Making an appropriation to the estate of Harry N. Grubbs, deceased, late of Breckenridge, Pennsylvania.

Section 1. Be it enacted, &c., That the sum of five thousand dollars (\$5,000) be and the same is hereby specifically appropriated to the estate of Harry N. Grubbs, deceased, late of Breckenridge, Pennsylvania, who lost his life through the accidental discharge of the gun of one of the members of the National Guard of the Commonwealth of Pennsylvania, while on duty on behalf of said Commonwealth.

Commonwealth of Pennsylvania.
Executive Chamber,
Harrisburg, July 25, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate bill No. 1639, entitled "An act making an appropriation to the estate of Harry N. Grubbs, deceased, late of Breckenridge, Pennsylvania."

The purpose of this bill is appealingly commendable. The mother and her surviving children doubtless deserve assistance. But the law is so manifestly against the State making this appropriation that the Legislature reluctantly, and only upon insistence of its proponent, allowed it to pass. It was admitted by all that it was unconstitutional; but it was "put up" to the Governor to bear the burden of denial, which in performance of duty he must do—as they ought to have done.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 187.

AN ACT

Making an appropriation to the Bernardine Sisters of the Third Order of Saint Francis, of Millmont, Pennsylvania.

Section 1. Be it enacted, &c., That the sum of one thousand dollars (\$1,000), or so much thereof as may be necessary, be, and the same is hereby, specifically appropriated to the Bernardine Sisters of the Third Order of Saint Francis, of Millmont, Pennsylvania, for the two fiscal years beginning June first, one thousand nine hundred and seventeen, for the purpose of maintenance.

No money shall be paid under the provisions of this act unless said Bernardine Sisters of the Third Order of Saint Francis shall agree to receive and provide, and shall actually receive and provide, for all persons committed thereto by all authorities within the county of Berks that shall have power to commit to institutions of the character of the Bernardine Sisters of the Third Order of Saint Francis, of Millmont, Pennsylvania.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 25, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, without my approval, House bill No. 129, entitled "An act making an appropriation to the Bernardine Sisters of the Third Order of Saint Francis, of Millmont, Pennsylvania.

I withhold my approval from this bill because of insufficient State revenue.

MARTIN G. BRUMBAUGH.

No. 188.

AN ACT

Making an appropriation to the Western Pennsylvania Humane Society, Pittsburgh, Pennsylvania.

Section 1. Be it enacted, &c., That the sum of one thousand dollars (\$1,000), or so much thereof as may be necessary, is hereby specifically appropriated to the Western Pennsylvania Humane Society, Pittsburgh, Pennsylvania, for maintenance, during the two fiscal years beginning the first day of June, one thousand nine hundred and seventeen.

Commonwealth of Pennsylvania.
Executive Chamber,
Harrisburg, July 25, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, without my approval, House bill No. 283, entitled "An act making an appropriation to the Western Pennsylvania Humane Society, Pittsburgh, Pennsylvania."

I withhold my approval from this bill because of insufficient State revenue.

MARTIN G. BRUMBAUGH.

No. 189.

AN ACT

Making an appropriation to the Woman's Union Day Nursery, Philadelphia, Pennsylvania.

Section 1. Be it enacted, &c., That the sum of one thousand dollars (\$1,000), or so much thereof as may be necessary, be and the same is hereby specifically appropriated to the Woman's Union Day Nursery, located at Philadelphia, Pennsylvania, for the two fiscal years beginning June first, one thousand nine hundred and seventeen, for the purpose of maintenance.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 25, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, without my approval, House bill No. 980, entitled "An act making an appropriation to the Woman's Union Day Nursery, Philadelphia, Pennsylvania."

I withhold my approval from this bill because of insufficient State revenue.

MARTIN G. BRUMBAUGH.

No. 190.

AN ACT

Making an appropriation to the Fairfax Baby and Children's Home, Pittsburgh, Pennsylvania.

Section 1. Be it enacted, &c., That the sum of five hundred dollars (\$500), or so much thereof as may be necessary, be and the same is hereby specifically appropriated to the Fairfax Baby and Children's Home, situate in the city of Pittsburgh, Allegheny County, Pennsylvania, for the two fiscal years beginning June first, one thousand nine hundred and seventeen, for the purpose of maintenance.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 25, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, without my approval, House bill No. 1319, entitled "An act making an appropriation to the Fairfax Baby and Children's Home, Pittsburgh, Pennsylvania."

I withhold my approval from this bill because of insufficient State revenue.

MARTIN G. BRUMBAUGH.

No. 191.

AN ACT

Authorizing and regulating the construction of a bridge over the Susquehanna River between Millersburg and Crow's Landing, and making an appropriation therefor.

Section 1. Be it enacted, &c., That the State Highway Department is authorized and directed to construct a bridge over the Susquehanna River, from the borough of Millersburg, Dauphin County, to the place known as Crow's Landing, Perry County, connecting with the State highways on both sides of the river.

The cost of such bridge shall not exceed three hundred and fifty thousand dollars (\$350,000).

Section 2. To carry out the purpose of this act the sum of three hundred and fifty thousand dollars (\$350,000), or so much thereof as may be necessary, is hereby specifically appropriated. Payment of the moneys hereby appropriated and the preparation and execution of all contracts shall be subject to such conditions as may be imposed by the Auditor General. No part of this appropriation shall be available until it be shown to the satisfaction of the Auditor General that sites for piers above low-water mark, abutments, and approaches to said bridge, have been provided without expense to the Commonwealth.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 25, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, without my approval, Senate bill No. 517, entitled "An act authorizing and regulating the construction of a bridge over the Susquehanna River between Millersburg and Crow's Landing, and making an appropriation therefor."

I withhold my approval from this bill because of insufficient State revenue, and I regretfully deny this cause. But the sum the bill carries is only \$350,000, and the scientific estimates advise the cost to be \$550,000 to \$600,000. Until the full sum needed is appropriated it is unwise, in my judgment, to approve. The funds available from the Treasury for all purposes will not warrant the approval at a time when labor and material are at a maximum cost.

MARTIN G. BRUMBAUGH.

No. 192.

AN ACT

Making an appropriation toward the maintenance of a nautical school at the port of Philadelphia.

Section 1. Be it enacted, &c., That the sum of fifty thousand dollars (\$50,000), or so much thereof as may be necessary, be and the

same is hereby appropriated to the board of directors of the Nautical School of Pennsylvania, for the two fiscal years commencing on the first day of June, one thousand nine hundred and seventeen: Provided, That the city of Philadelphia shall appropriate twenty-five thousand dollars per annum toward the maintenance of said nautical school; and the fact of such appropriation shall be certified to the Auditor General by the mayor of the city of Philadelphia before the amount hereinbefore appropriated, or any part thereof, shall be paid: Provided further, That quarterly statements of the expenditures of the said board of directors for the maintenance of the said nautical school shall be rendered to the controller of the city of Philadelphia, and, when certified by him, submitted to the Auditor General of the Commonwealth, and no part of the moneys hereinbefore appropriated shall be paid until the said statement for the previous quarter shall have been submitted to the Auditor General as herein provided and approved by him.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 25, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, without my approval, Senate bill No. 664, entitled "An act making an appropriation toward the maintenance of a nautical school at the port of Philadelphia."

I withhold my approval from this bill because of insufficient State revenue.

MARTIN G. BRUMBAUGH.

No. 193.

AN ACT

Making a deficiency appropriation to the State Hospital for Injured Persons of the Anthracite Coal Region of Pennsylvania, at Fountain Springs, near Ashland.

Section 1. Be it enacted, &c., That the sum of fifteen thousand dollars (\$15,000), or so much thereof as may be necessary, is hereby specifically appropriated to the State Hospital for Injured Persons of the Anthracite Coal Region of Pennsylvania, at Fountain Springs, near Ashland, for the payment of the deficiency in maintenance, for the two fiscal years beginning June first, one thousand nine hundred and fifteen.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 25, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, without my approval, Senate bill No. 801, entitled "An act making a

deficiency appropriation to the State Hospital for Injured Persons of the Anthracite Coal Region of Pennsylvania, at Fountain Springs, near Ashland."

This bill is a duplicate of an item of \$15,000 in House bill No. 639. The latter being approved it is unnecessary to approve this bill.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 194.

AN ACT

Making an appropriation to aid in the erection of a monument at Erie, Pennsylvania, commemorating the building of the fleet at that place and the conspicuous manner in which it performed its errand at the Battle of Lake Erie, and for repairs to and improvements for the Flag-ship Niagara.

Section 1. Be it enacted, &c., That the sum of twenty thousand dollars (\$20,000) be and the same is hereby appropriated, from money in the State Treasury not otherwise appropriated, to the commissioners appointed by the Governor of Pennsylvania to cooperate with commissioners from other States in the celebration of the centennial anniversary of the Battle of Lake Erie, which shall be used by said commission, with other moneys heretofore appropriated and available for that purpose, in the erection of a monument at Erie, Pennsylvania, commemorating the building of the fleet at that place that won the Battle of Lake Erie, and the conspicuous manner in which it performed its errand at that battle. The money hereby appropriated to be paid upon requisitions of the chairman of said commission, and warrant issued by the Auditor General upon the State Treasurer, according to law.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 25, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, without my approval, Senate bill No. 631, entitled "An act making an appropriation to aid in the erection of a monument at Erie, Pennsylvania, commemorating the building of the fleet at that place and the conspicuous manner in which it performed its errand at the Battle of Lake Erie, and for repairs to and improvements for the Flag-ship Niagara."

I withhold my approval from this bill because of insufficient State revenue.

MARTIN G. BRUMBAUGH.

No. 195.

AN ACT

To fix the salary of the commission clerk in the Executive Department of the Commonwealth.

Section 1. Be it enacted, &c., That the annual salary of the commission clerk in the Executive Department of the Commonwealth is hereby fixed at two thousand dollars (\$2,000), to be paid semi-monthly, on warrant of the Auditor General on the State Treasurer.

Section 2. All acts and parts of acts inconsistent with this act are hereby repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 25, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate bill No. 247, entitled "An act to fix the salary of the commission clerk in the Executive Department of the Commonwealth."

This bill increases the salary of the commission clerk in the Executive Department from \$1,500 to \$2,000, and the increase is in itself a commendable one; but, in view of the fact that many increases were made by the Assembly and no adequate provisions enacted to pay the increases, it is incumbent upon me to deny many increases in other departments. That my action may be fair and equitable, I cannot in good conscience approve an increase in my own office when compelled to deny increases in other departments.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 196.

AN ACT

Providing for the payment out of the county treasury, in certain counties, of the salaries of county employes enlisting in the Army and Navy or called into the service of the United States, and conferring certain powers upon the county commissioners, county controller, and county treasurer.

Section 1. Be it enacted, &c., That it shall be lawful for the county commissioners, in counties having a population of more than eight hundred thousand and less than one million two hundred thousand inhabitants, to draw their warrants for the payment of the salaries of any county employes enlisting in the Army or Navy of the United States or called into the service of the United States during the present war with the government of Germany. It shall be lawful for the county controller to countersign and approve all such warrants, and for the county treasurer to pay the same, in like manner as if such employe actually continued in the employ of such county.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 25, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House bill No. 1452, entitled "An act providing for the payment out of the county treasury, in certain counties, of the salaries of county employes enlisting in the Army and Navy or called into the service of the United States, and conferring certain powers upon the county commissioners, county controller, and county treasurer."

This bill, limited to Allegheny County, provides for payment of salaries of county employes who enlist in the Army or Navy.

On June 7, 1917, I approved a bill known as House bill No. 1117, now known as act No. 201, which provides for all counties a uniform treatment of the men who go from civil service to military or naval service. The bill approved gives uniform justice to all. This bill limits its provisions to one county.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 197.

AN ACT

Supplementing and amending section ten (10) of an act, entitled "An act establishing a court for the county of Philadelphia; prescribing its jurisdiction and powers; providing for the service of its writs, process, or warrants by the proper officers of the county or city of Philadelphia; regulating the procedure therein and appeals therefrom; and providing for the expenses thereof," approved the twelfth day of July, one thousand nine hundred and thirteen, by adding the words "and injuries to property," following the words "personal injuries," so that the exception in the said section shall read: "except that in actions for damages for personal injuries and injuries to property it shall have jurisdiction where the sum demanded by the plaintiff does not exceed one thousand five hundred dollars (\$1,500.00)."

Section 1. Be it enacted, &c., That section ten (10) of an act, entitled "An act establishing a court for the county of Philadelphia; prescribing its jurisdiction and powers; providing for the service of its writs, process, or warrants by the proper officers of the county or city of Philadelphia; regulating the procedure therein and appeals therefrom; and providing for the expenses thereof," approved the twelfth day of July, one thousand nine hundred and thirteen, which reads as follows:—

"Section 10. The said court hereby created shall have jurisdiction in all civil actions at law and in equity where the value of the matter or thing in controversy, exclusive of interest and costs, does not exceed the sum of six hundred dollars (\$600.00), except that in actions for damages for personal injuries it shall have jurisdiction where the sum demanded by the plaintiff does not exceed one thousand five hundred dollars (\$1,500.00). The amount claimed by the plaintiff, where the said claim is for a sum certain, shall be conclusive as to the jurisdiction of the court; in all actions brought for recovery of

money, and in actions at law or in equity not involving any sum certain, the plaintiff shall file with his statement a certificate as to the amount of the thing or matter in controversy. The said court shall also have jurisdiction in any civil cases transferred to it by order of a majority of the judges of any court of common pleas of Philadelphia County," be, and the same is hereby, amended and supplemented to read as follows:—

Section 10. The said court hereby created shall have jurisdiction in all civil actions at law and in equity where the value of the matter or thing in controversy, exclusive of interest and costs, does not exceed the sum of six hundred dollars (\$600.00), except that in actions for damages for personal injuries and injuries to property it shall have jurisdiction where the sum demanded by the plaintiff does not exceed one thousand five hundred dollars (\$1,500.00). The amount claimed by the plaintiff, where the said claim is for a sum certain, shall be conclusive as to the jurisdiction of the court; in all actions brought for the recovery of money, and in actions at law or in equity not involving any sum certain, the plaintiff shall file with his statement a certificate as to the amount of the thing or matter in controversy. The said court shall also have jurisdiction in any civil cases transferred to it by order of a majority of the judges of any court of common pleas of Philadelphia County.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 28, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, House bill No. 1090, entitled "An act supplementing and amending section ten (10) of an act, entitled 'An act establishing a court for the county of Philadelphia; prescribing its jurisdiction and powers; providing for the service of its writs, process, or warrants by the proper officers of the county or city of Philadelphia; regulating the procedure therein and appeals therefrom; and providing for the expenses thereof,' approved the twelfth day of July, one thousand nine hundred and thirteen, by adding the words 'and injuries to property,' following the words 'personal injuries,' so that the exception in the said section shall read: 'except that in actions for damages for personal injuries and injuries to property it shall have jurisdiction where the sum demanded by the plaintiff does not exceed one thousand five hundred dollars (\$1,500.00).'"

This bill enlarges the jurisdiction of the Municipal Court by including cases of damages for injuries to personal property up to \$1,500. The court now has definitely defined jurisdiction and the lawyers of Philadelphia having business before all the courts have pointed out that there is no demand or need for this change, that the present procedure is wholly adequate and satisfactory and that to avoid the confusion of readjustment it is well to let the present practice remain.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

No. 198.

A SUPPLEMENT

To an act, entitled "An act to promote the safety of travelers and employes upon railroads, by compelling common carriers by railroad to properly man their trains," approved the nineteenth day of June, Anno Domini one thousand nine hundred and eleven; and providing that the provisions of said act shall not be in force during the time the Government of the United States is engaged in war with a foreign government or power, and for a period of one month after the close of such war.

Whereas, By act of Congress war now exists between the Imperial German Government and the United States of America; and

Whereas, The State and Nation are suffering from a shortage of labor, owing to the extraordinary demands made upon industry by virtue of the state of war now existing and by the enlistment of large numbers of our citizens in the Army and Navy of the United States; and

Whereas, It is believed that the industrial situation may be relieved to a large extent by the suspension for a specified period of labor laws; and

Whereas, It is provided by article one, section twelve of the Constitution of the Commonwealth, that no power of suspending laws shall be exercised unless by the Legislature or by its authority; now, therefore,—

Section 1. Be it enacted, &c., That the provisions of the act, approved the nineteenth day of June, Anno Domini one thousand nine hundred and eleven, entitled "An act to promote the safety of travelers and employes upon railroads, by compelling common carriers by railroad to properly man their trains," shall not be in force during the time that the Government of the United States is engaged in war with a foreign government or power, and for a period of one month after the close of such war.

Section 2. That all acts or parts of acts inconsistent herewith or supplied hereby are hereby repealed.

Commonwealth of Pennsylvania,
Executive Chamber,
Harrisburg, July 28, 1917.

I file herewith, in the office of the Secretary of the Commonwealth, with my objections, Senate bill No. 1033, entitled "A supplement to an act, entitled 'An act to promote the safety of travelers and employes upon railroads, by compelling common carriers by railroad to properly man their trains,' approved the nineteenth day of June, Anno Domini one thousand nine hundred and eleven; and providing that the provisions of said act shall not be enforced during the time the Government of the United States is engaged in war with a foreign government or power, and for a period of one month after the close of such war."

This bill suspends in toto the "Full Crew" law of 1911 for the period of the war with Germany and one month thereafter. The bill is based upon the statement that there is a shortage of labor during this war time and that the industrial situation may be relieved by a suspension of labor laws for a period.

I have delayed action upon this measure to the latest date in the hope that some new factor might arise as guidance in its consideration. I have given many days to a critical study of the situation involved. I have gone over again and again the statements, verbal and in writing, that have been presented to me. No one has been denied patient audience and no line of information has gone unnoted.

Before this bill was introduced I noticed a statement, issued by the responsible officials of the railroads operating in Pennsylvania, and printed by the newspapers of the State, to the effect that a bill was about to be introduced in the Legislature "of similar import" to that which was at that time enacted into law in New Jersey, and "directly in line with the bill which two years ago was passed by the former Legislature, * * but which failed to become a law."

To Senators interested in the corporations, and, later, to them again in the presence of other persons, including an important official of one of our leading roads, I pointed out the misleading statements in this pronouncement. The bill before me is not "of similar import" to the New Jersey law. That law retains the so-called "full crew" save on such trains as the service commission, after due hearing, may decide to have them removed. The bill vetoed two years ago was not "directly in line" with the New Jersey law. The bill of two years ago removed absolutely from all trains the extra man, known as the "full-crew" man, and no one could return to such place save by decree of the Public Service Commission. This bill is not "of similar import," nor is it "directly in line" with either the New Jersey law or the bill of 1915. This is an absolute suspension of the entire law for the full period of the war and for one month thereafter. So far as an Executive honorably could do so I indicated what, in my judgment, would be the wise and fair procedure. The same evening at the conclusion of the conference this bill was introduced. Surely the parties at that conference could not fail to understand its import.

When the bill was in transit, and in order to have the mind of the National Government upon suspension of labor laws during this war, I addressed President Wilson in a letter, under date of June 1, 1917, and on June 4, 1917, he replied as follows:

"I think it would be most unfortunate for any of the States to relax the laws by which safeguards have been thrown about labor. I feel that there is no necessity for such action, and that it would lead to a slackening of the energy of the nations rather than to an increase of it, besides being very unfair to the laboring people themselves."

Both these letters were given to the press from Washington at the time and were matters of common knowledge. Since that time directly and through a committee of the Public Safety Committee there has been given me a most lucid and compelling statement of the need of men in France to care for the Army we are assembling there. The logic of this statement is manifest. But it must be borne in mind that the munitions and supplies to maintain the Army of the Republic in France must be assembled in this country, transported by rail to the seaboard, thence across the ocean by vessels, and then from port to battle line. The army needs man power here quite as much as it needs man power there. To fail here is to deny success there.

To transfer men from one part of a vital line of transportation is not to insure success, but only to change locality of disaster. The great trunk lines of this country in patriotic endeavor must have all the assistance, including men, that they need. The welfare of our soldiers and the cause they represent are alike dear to me and have had and will have my uttermost support.

Moreover, since July 1, 1917, it is public knowledge that many passenger trains have been cancelled. This is wholly commendable. It gives the already congested railroads opportunity to move men, supplies, and munitions with the least delay. It is true that as a consequence trains, freight and passenger, are longer and heavier than before. The accident statistics tell the sequel. To lessen the number of men set to safeguard life and property when the hazard is perforce increased is scarcely the procedure that thoughtful men can commend.

The Executive notes that in a sister State of great industrial resources and of large population the Governor vetoed a bill that proposed to suspend labor laws during the war, and also notified the Assembly that he would not approve a repeal or suspension of the "full-crew" law, there as here now operative. The welfare of the whole people lies sacredly upon the conscience of the Executive. To disturb labor conditions in a time of grave moment is likely to invite strikes, riots, and disorders,—the very things that all good men devoutly pray may not arise in this country. It is a consuming wish of mine that Pennsylvania may peacefully and uninterruptedly give a maximum measure of support to the Nation in this war, thus adding another chapter to her already glorious record of heroic service to our great Republic. I cannot, after many, many anxious hours, find any avenue of retreat from this paramount duty to our whole people, and I must stand for what seems to me to be clearly an imperative obligation.

I have not gone into the matter of the need of this one man on a train of a designated size. It is well to know that on occasion I have personally and by agents found this man necessary to the safety of trains in transit. But the situation arising in this war period and the relative value of this man on a train or elsewhere during a war period need not take the time or attention of State governments. The National Council of Defense, created by law, and now in operation, will, in the exercise of its prerogatives, undoubtedly call upon the States to give such men and such service as the Nation needs. They can call these men to other service if they so deem it wise, and this great Commonwealth will promptly and cheerfully give heed to this or to any call that may come from the National Government.

For these reasons this bill is not approved.

MARTIN G. BRUMBAUGH.

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